

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

MARY ANN MCCARTHY
MARY FLYNN

Claimants

and

BASILDON BOROUGH COUNCIL

Defendant

ORDER

UPON HEARING Counsel for the Claimants and for the Defendant

UPON ACCEPTING the following undertakings:

The Defendant undertakes that its servants or agents shall not use its powers pursuant to section 178 of the Town and Country Planning Act 1990 to secure compliance the Enforcement Notices relating to land on a site known as Dale Farm, Billericay, Essex (the 'site'), which is delineated in the plan attached to this order UNLESS the Claims CO/9098/2011, CO/9115/2011 and CO/9316/2011 are dismissed,

IN WHICH CASE, the Defendant undertakes that its servants or agents shall not use its powers pursuant to section 178 of the Town and Country Planning Act 1990 to secure compliance the Enforcement Notices relating to land the site in the following respects:

- a) the development and use of plot 28;
- b) the stationing of caravans and the residential use of them on plots 45, 50 and 51 except insofar as it is necessary to move them in order to enable the removal of the hardstanding, hard core or road scalplings and in such circumstances -
 - a. the Defendant will provide at least 48 hours notice of such removal to the occupier of any caravan, such notice to be given by displaying a notice on the relevant caravan where it cannot be given personally, and
 - b. the Defendant will ensure that such caravans are replaced on the land once works are completed unless the owner agrees otherwise;
- c) the brick built building on plot 33 and its residential use;
- d) the block built building on plot 8;
- e) the disconnection of utility services including electricity, water, gas and drainage provided to plots 28, 45, 50 and 51 and the brick building on Plot 33 save insofar as it is necessary to enable it to carry out compliance works on other plots and in such circumstances the Defendant undertakes that it will ensure that suitable alternative provision of utilities services is made whilst such works are undertaken and that any utilities services that are disconnected will be expeditiously reconnected once the works have been completed;
- f) all gates, walls and fences, which will not be removed save in circumstances where it is necessary to do so in order to enable it to carry out compliance works on the site and in such circumstances -
 - a. the Defendant will to provide at least 48 hours notice of such removal to the occupier of the relevant plot such notice to be

given by displaying a notice on the relevant gate fence or wall where it cannot be given personally,

- b. the Defendant will ensure that any gates, walls and fences removed will be replaced once the necessary work has been completed;
- g) the hardstanding on plots 21, 22, 23, 52, 53 and 54 as well as on Beauty Drive;

IT IS ORDERED that:

- 1) The claim for an injunction be dismissed.
- 2) The Defendant do pay the Claimants (including the former Claimants, Mary Sheridan and Patrick Egan) one third of their costs, to be subject to detailed assessment if not agreed.

Dated 3 October 2011

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Mr Justice Edwards-Stuart

By the Court