

IN THE HIGH COURT OF JUSTICE CLAIM NO. KB-2024-002247

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Before KAREN RIDGE sitting as a Deputy High Court Judge

Dated 16th DAY OF JUNE 2025

B E T W E E N : -

**THE MAYOR AND BURGESESS OF THE ROYAL
BOROUGH OF KINGSTON UPON THAMES**

Claimant



(2) BRIDGET CASEY

(3) SIMON

DOHERTY

**14-July-2025
-and-**

(1) MICHAEL CASEY

(4) KATHLEEN BERNADETTE KATRINA DOHERTY

(5) PERSONS UNKNOWN, BEING THOSE PERSONS CAUSING WORKS TO BE UNDERTAKEN, OR WASTE OR OTHER MATERIAL TO BE DEPOSITED ON THE LAND, AND/OR BRINGING ONTO OR OCCUPYING CARAVANS OR MOBILE HOMES ON THE LAND OR INTENDING TO DO SO, OTHER THAN IN ACCORDANCE WITH A VALID GRANT OF PLANNING PERMISSION.

(6) THOMAS JUDE DOHERTY

(7) THOMAS CASEY

(8) MICHAEL CASEY JUNIOR

Defendants

FINAL INJUNCTION ORDER

PENAL NOTICE

IF YOU, MICHAEL CASEY (1st Defendant), BRIDGET CASEY (2nd Defendant), SIMON DOHERTY (3rd Defendant), KATHLEEN BERNADETTE KATRINA DOHERTY (4th Defendant), THOMAS JUDE DOHERTY (6th Defendant), THOMAS CASEY (7th Defendant), MICHAEL CASEY JUNIOR (8th Defendant) OR THE

PERSONS UNKNOWN (5th Defendants), BEING THOSE PERSONS CAUSING WORKS TO BE UNDERTAKEN, OR WASTE OR OTHER MATERIAL TO BE DEPOSITED ON THE LAND, AND/OR BRINGING ONTO OR OCCUPYING CARAVANS OR MOBILE HOMES ON THE LAND OR INTENDING TO DO SO, OTHER THAN IN ACCORDANCE WITH A VALID GRANT OF PLANNING PERMISSION DO NOT COMPLY WITH THIS ORDER YOU (OR ANY OF YOUR DIRECTORS OR OFFICERS) MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU (OR ANY OF YOUR DIRECTORS OR OFFICERS) MAY BE IMPRISONED OR FINED OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS (OR ANY OF THEIR DIRECTORS OR OFFICERS) 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.

IMPORTANT NOTICE TO THE DEFENDANTS

THIS ORDER PROHIBITS YOU FROM DOING THE ACTS SET OUT IN THIS ORDER. YOU SHOULD READ IT ALL CAREFULLY. YOU ARE ADVISED TO CONSULT A SOLICITOR AS SOON AS POSSIBLE. YOU HAVE A RIGHT TO ASK THE COURT TO VARY OR DISCHARGE THIS ORDER.

IF YOU DISOBEY THIS ORDER, YOU MAY BE FOUND GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON OR FINED OR YOUR ASSETS MAY BE SEIZED.

UPON the Claimant's claim for an injunction pursuant to section 222 of the Local Government Act 1972 and section 187B of the Town and Country Planning Act 1990 (the 1990 Act).

AND UPON the Solicitors for the 1st to 4th Defendants and 6th to 8th Defendants having filed a Minute of Consent dated 29th April 2025 to the terms of this Order.

AND UPON hearing Counsel for the Claimant and there being no attendance or representation for the 5th Defendants.

AND UPON the Court observing that the Order of the Honourable Mr Justice Eyre dated 29th April 2025 was sealed prematurely insofar as it applied to the 5th Defendants.

IT IS ORDERED THAT:

1. Michael Casey, 1st Defendant, Bridget Casey, 2nd Defendant, Simon Doherty, 3rd Defendant, Kathleen Bernadette Katrina Doherty, 4th Defendant, the Persons Unknown, 5th Defendants, and Thomas Jude Doherty, 6th Defendant, Thomas Casey, 7th Defendant and Michael Casey Junior, 8th Defendant, whether by themselves or by instructing, encouraging or permitting any other person, **must not** carry out development on the land known as The Tree Birches, at the side and rear of Kenwood, Green Lane, Chessington (registered under Title No.s SY263578 and SGL643997) as shown edged in red on the Plan attached to this Order (**Plan 1**), together with the adjoining land as shown edged and hatched pink on the Plan ("the **Land**"), in breach of planning control. In particular, those Defendants **must not**, without planning permission:

(a) Bring onto the Land, or station on the Land, any caravans as defined in the Caravans Sites and Control of Development Act 1960 and Caravans Act 1968 (the 1960 and 1968 Acts respectively) other than the four caravans (of which no more than two shall be a static caravan).on plots 1 & 2 as shown on the attached **Plan 2**.

(b) Allow or facilitate any further residential occupation of the Land or of the caravans on the Land other than:

1. Simon Doherty
2. Michael Casey
3. Eileen Casey
4. Ann Casey
5. Irene Casey
6. Katey Casey
7. Bridget Casey
8. Bridget Quinn Junior (a Minor)
9. Kathleen Bernadette Katrina Doherty
10. Ann Bernadette Doherty (a Minor)

(c) Carry out any further development on the Land other than in accordance with the requirements of this Order;

(d) Bring onto or deposit on the Land any further material other than in accordance with the requirements of this Order;

(e) Carry out any further ground excavation, land-filling or land-raising works on the Land other than in accordance with the requirements of this Order;

(f) Clear the Land (save for the purpose of routine grounds maintenance) other than in accordance with the requirements of this Order;

(g) Lay, or create any further areas of, hardstanding, hardcore, bitumen, gravel, stones, concrete or other similar materials on the Land;

(i) Bring onto the Land, or place, station or keep on the Land, any other structures capable of residential use or occupation (apart from pre-existing structures);

(j) Erect any further buildings or shelters on the Land; and/or

(k) Install any, or connect any further, services on the Land.

The Order, at paragraph 1, above shall remain enforceable as against the 5th Defendants until 11th June 2035.

2. Michael Casey, 1st Defendant, Bridget Casey, 2nd Defendant, Simon Doherty, 3rd Defendant, Kathleen Bernadette Katrina Doherty, 4th Defendant, Thomas Jude Doherty, 6th Defendant, Thomas Casey, 7th Defendant and Michael Casey Junior, 8th Defendant **must**, save insofar as retrospective planning permission has been granted, within six months of the date of determination by the Secretary of State of the 2nd and 4th Defendants' appeal against the refusal of planning permission under reference 25/00005/FUL:

(a) Permanently remove from the Land:

- (i) The hardstanding, land-fill or land raising and/or waste materials as described in the Claimant's Geo-Environmental Assessment Ground Investigation Report dated 24 February 2025 to varying

depth of 1.10m to 3m depth and amounting to approximatively 8,800m³; and

(ii) The retaining wall described in the Claimant's Structural Engineer's Report dated 25 February 2025.

(iii) Any caravans (apart from the 4 permitted under paragraph 1(a) of this Order for which planning permission has not been granted.

(b) Restore the areas of the Land shown in black on **Plan 3** attached, to the contour levels shown on the Plan) by re-grading and restoring those areas using uncontaminated soil and reseeded it with grass.

(c) Permit the Claimant's employees or agents to inspect the Land to ascertain compliance with this Order and planning control, on 24 hours' notice, sent by email to casework@brilliancesolicitors.co.uk.

DISCHARGE OF ORDER OF THE HONOURABLE MR JUSTICE EYRE

3. The Order of the Honourable Mr Justice Eyre dated 29th April 2025 and sealed on 2nd May 2025 shall be discharged insofar as it applied to the 5th Defendants. Insofar as the Order dated 29th April 2025 applied to the 1st to 4th and 6th to 8th Defendants, it remains valid and enforceable up to the date of this Order which now replaces it.

COSTS

4. The First, Second, Third and Fourth Defendants do jointly and severally pay the Claimant's costs of the Claim to be subject to detailed assessment.

VARIATION OR DISCHARGE OF THIS ORDER

5. The Defendants may apply to the Court at any time to vary or discharge this Order, on the grounds of material change of circumstances, but if the Defendants wish to do so, they must first inform the Claimant's solicitors in writing at least 48 hours beforehand.

6. The Claimant has liberty to apply to the Court to extend or vary this Order, or for further directions, but if the Claimant wishes to do so, it must first give the Defendants at least 48 hours' notice in writing.

SERVICE OF THIS ORDER UPON THE 5th DEFENDANTS

7. Pursuant to CPR 6.15 and CPR 6.27 this Order shall be deemed as validly served upon the 5th Defendants by affixing copies to the entrance to the Land.

NAME AND ADDRESS OF SOLICITORS THE CLAIMANT

South London Legal Partnership of Merton Civic Centre, London Road, Morden SM4 5DX DX 161030 Morden 3

Telephone No.s 020 8545 3470 or 4568 or 4468

Email Byron.britton@merton.gov.uk / david.fellows@merton.gov.uk /
Samuel.hick@merton.gov.uk

The Legal Representative dealing with the matter is Byron Britton
Reference 1743/209

NAME AND ADDRESS OF SOLICITORS FOR THE 1st to 4th and 6th, 7th and 8th DEFENDANTS

Brilliance Solicitors of HatTech Business Centre, Beaconsfield Court, Beaconsfield Road, Hatfield, Hertfordshire AL10 8FF.

Email for Service: casework@brilliancesolicitors.co.uk

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BY THE COURT



