

Statement on behalf of the
Claimant
Witness: Andrew Culley
6th Statement
Dated: 21/05/2026
Exhibits: AC/125 to AC/172

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2025-001812
Matter No. KB-2025-001739

B E T W E E N : -

TUNBRIDGE WELLS BOROUGH COUNCIL

Claimant

And

- (1) Bill Lee**
- (2) Bill Leonard Lee**
- (3) Wesy Bill Wally Lee**
- (4) Roy Christopher Draper**
- (5) Albie John Wilkins**
- (6) Persons Unknown**
- (7) Keith Jeeves**
- (8) Curtis Love**
- (9) Bonny Harbour**
- (10) Jonny Bigmore**

Defendants

SIXTH WITNESS STATEMENT OF ANDREW CULLEY

I, Andrew Culley, Planning Compliance Officer for Tunbridge Wells Borough Council of Town Hall,
Royal Tunbridge Wells, Kent TN1 1RS.

WILL SAY as follows:-

1. I make this statement in support of the Claimant's Claim for an injunction against the Defendants, pursuant to section 187B of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). I am duly authorised by the Claimant to make this witness

statement and I make it from my own information, knowledge and belief save where otherwise stated.

2. I make this further witness statement in support of the Claimant's application to continue/vary the injunction granted by Mr Justice Lavender on 6th June 2025 and I attach an exhibit of the court bundle for that hearing as AC125.

3. This witness statement refers to Land know as " LAND BETWEEN KILNDOWN POULTRY FARM AND EVANDEN FARM, CHURCH ROAD, KILNDOWN, CRANBROOK, KENT" ("the Land") which has been split into 6 parcels of land and is shown edged in red on the attached plan (highlighting each title plot number as registered with HM Land Registry (and a legend showing which plot is linked to each defendant) which I **Exhibit as AC/126**. As of the 18th May 2026 HM Land Registry has the owners of the land for each title as follows:

TT171000 (plot 1) (08.08.2024) PROPRIETOR: CURTIS LOVE of The Meadows, Breach Lane, Upchurch, Sittingbourne ME9 7PE. A copy of the register is attached as exhibit **AC/127**.

TT171902 (plot 2) (06.09.2024) PROPRIETOR: ROY CHRISTOPHER DRAPER of Hill View, Meadow Lane, Runwell, Wickford SS11 7DX. (Applications pending) A copy of the register is attached as exhibit **AC/128**.

TT171996 (Plot 3) (09.09.2024) PROPRIETOR: WESY BILL WALLY LEE of Four Oaks, Church Hill, Boughton Monchelsea, Maidstone ME17 4BU. A copy of the register is attached as exhibit **AC/129**.

TT171757 (Plot 4) (03.09.2024) PROPRIETOR: KEITH JEEVES of 22 Hibbs Close, Swanley BR8 7FA. A copy of the register is attached as exhibit **AC/130**.

TT173927 (Plot 5) (06.11.2024) PROPRIETOR: ALBIE JOHN WILKINS of Hawksbill, Morley Lane, Bicker, Boston PE20 3DP. A copy of the register is attached as exhibit **AC/131**.

TT173872 (Plot 6) (05.11.2024) PROPRIETOR: BILL LEE and BILL LEONARD LEE of Four Oaks, Church Hill, Boughton Monchelsea, Maidstone ME17 4BU. A copy of the register is attached as exhibit **AC/132**.

4. The background to this claim is set out in my First, Second, Third, Fourth and Fifth Witness statements. In short, the Council applied for an interim injunction without notice on 16th May 2025 against all land that was formerly within the ownership of Mr Larter, against whom the Council commenced proceedings but discontinued once up to date ownership was established¹. The injunction order was granted but insofar as the plots of land transferred to Mr Jeeves (Plot 4) and Mr Love (Plot 1) were concerned, the court was not satisfied on 16th

¹ By the return date, further information had come to light and Mr Larter's solicitors had provided transfer documents demonstrating that all land formerly within his ownership had been transferred save for an access strip.

May that the risk of breaches of planning control had been demonstrated. The return date was fixed as 6th June 2025. However, between the date of obtaining the interim injunction order and the return date, on Friday 30 May 2025 the Council received a report at 9:07am that a caravan was being brought onto land adjacent to land covered by the injunction order but excluded from it, and by the afternoon 2 static caravans and a touring caravan were stationed on the land. The Council obtained a further order that evening, out of hours, which included all 6 parcels of the land shown in previous exhibit **AC/126** with the return date 6th June 2026, on which date an Injunction order was granted for 12 months to cover all 6 of the parcels of land.

Chronology of events since the injunction order of 16th May 2025

5. On the 17th May 2025 I visited the land with JO SMITH, Senior Lawyer (Planning) for Mid Kent Legal Services and HEATHER STEVENS, Team Leader (Contentious). JO SMITH served an enforcement notice on plot 2 BILL LEE which I exhibit a copy as **AC/133**. The enforcement notice had 8 requirements:
 - (i) Cease the residential use of the land.
 - (ii) Remove all mobile homes, caravans and trailers from the land.
 - (iii) Remove all domestic and commercial vehicles from the land.
 - (iv) Remove the foul water treatment plant and generator from the land.
 - (v) Remove all fencing from the land.
 - (vi) Remove all hard standings and hardcore from the land.
 - (vii) Remove from the land any resultant materials, rubbish and rubble arising from compliance with steps (i) to (vi) above.
 - (viii) Reinstate the land back to its previous condition including infilling the excavation for the foul treatment plant with top soil.
6. JO SMITH also served an enforcement notice on plot 4 KEITH JEEVES which I exhibit a copy as **AC/134**. The enforcement notice had 3 requirements
 - (i) Permanently cease use of the access point shown in its approximate location marked 'A' on the attached plan for vehicular traffic.
 - (ii) Permanent removal all hardcore, wooden posts wire fencing from the access point shown in its approximate location marked 'A' on the attached plan.
 - (iii) Permanently close the access shown in its approximate location and reinstate the hedge by planting 3-year-old transplanted seedling of 30cm of Hazel (10%), Hawthorn (70%), Field Maple (10%), Hornbeam (5%) and Dog Rose (5%) in a double staggered, rows at 600mm centres. The individual plants should be supported using a cane and protected with a spiral guard, with the whole of the new hedge being protected by stock fencing to aid establishment and the hedge shall be retained as such. This must

be done during the next planting season. Within three years from the date of planting, and in the event of the any plants failing, the plants will require replacement until successfully established in accordance with BS 8545:2014.

7. On 30th May 2025 the Council received a planning application for plot 4 (reference 25/01299/FULL) with the applicant Ms B Harbour and was for (Part-retrospective) Change of use of land for the stationing of 3no. static caravans and 2no. touring caravans with ancillary works for Gypsy / Traveller occupation. This application never passed the validation stage and on the 12 September 2025 its status changed to 'Not proceeded with, Application returned' I exhibit a copy of the email sent to the agent STUART CARRUTHERS as **AC/135**.
8. On the 2nd June 2025 the Council received a letter from the Planning Inspectorate that an appeal had been received in relation to enforcement notice issued on 16th May 2025 and the refused planning application 25/00511/FULL referred to in my first witness statement dated 15th May 2025 (to which Mr K JEEVES was the applicant, the proposal was for Change of use of land to equestrian, construction of stable building for horses together with highway access crossover & access driveway. This application was received by the council on 28th February and refused on the 1st May 2025.) which all related to plot 4. I exhibit a copy of the refused planning decision for application 25/00511/FULL as **AC/136**. The enforcement notice as shown in exhibit **AC/134**.
9. On the 6th June 2025 a planning application (25/01360/FULL) was received for plot 2, the applicant was Mr B LEE, which proposed "(Retrospective) Change of use of land for the siting of a mobile home, touring caravan & outbuilding with erection of fence & gate for Gypsy / Traveller occupation" which was refused on the 12 August 2025 I exhibit a copy of the refusal as **AC/137** for the following reasons:
 - (1) The development is located in an unsustainable location outside the Limits to Built Development and causes significant harm to the rural character, openness, and appearance of the countryside and has more than a minimal impact on the landscape character due to its siting and appearance. The proposal therefore fails to conserve and enhance the landscape and scenic beauty of the High Weald National Landscape. The development also results in an unsympathetic change to the character of the Rural Lane, and by virtue of its siting represents inappropriate agricultural land management. The pitch would also not be physically contained against unauthorised extension. The proposal is therefore contrary to paragraphs 110, 115, 187 and 189 of the National Planning Policy Framework 2024, Paragraphs 26 and 27 of the Planning Policy for Traveller Sites 2024, Policies LBD1, EN1, EN25, and H4 of the Tunbridge Wells Borough

Local Plan 2006, Core Policies 4, 5, and 14 of the Tunbridge Wells Borough Core Strategy 2010, Policies L1, L4, D1, and D2 of the Goudhurst Neighbourhood Development Plan 2022, and emerging Policies STR1, STR8, EN1, EN4, EN18, EN19, and H9 of the Tunbridge Wells Borough Submission Local Plan 2021. The proposal also conflicts with the objectives of the Tunbridge Wells Borough Landscape Character Assessment, the High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029 and associated guidance, and the Tunbridge Wells Borough Rural Lanes Supplementary Planning Document.

- (2) The development would cause less than substantial harm (lower end) to the Evanden Farm Historic Farmstead due to the change of use and character of the site from its historical agricultural use and by virtue of the separation of the 'blue line' land from the wider field. No information has been provided on the heritage impact of the proposal, and whether the proposal has had regard to its historical setting. The proposal therefore fails to accord with paragraphs 207 and 216 of the National Planning Policy Framework 2024, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010, Policy L4 of the Goudhurst Neighbourhood Development Plan 2022, emerging Policies STR8, EN4, and EN5 of the Tunbridge Wells Borough Submission Local Plan 2021, and the Tunbridge Wells Borough Farmsteads Assessment Guidance Supplementary Planning Document.
- (3) Insufficient information has been submitted to adequately demonstrate that the proposed development could be achieved without a detrimental impact upon the biodiversity of the site, including protected species. No ecological assessments, surveys, nor biodiversity net gain calculation have been submitted and therefore it is not possible to assess the impact of development and whether it would result in harm to a species or its habitat or achieve net gain. There are no exceptional circumstances considered to apply. The proposal is therefore contrary to paragraphs 187, 189, and 193 of the National Planning Policy Framework 2024, National Planning Practice Guidance and Circular 06/2005, Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4, 5, and 14 of the Tunbridge Wells Borough Core Strategy 2010, Policy L6 of the Goudhurst Neighbourhood Development Plan 2021, and emerging Policies EN1, EN9, and EN10 of the Tunbridge Wells Borough Submission Local Plan 2021.

10. On the 15th June 2025 a local resident sent an email to advise that one of the static caravans had been removed from the land under title TT171757 (Plot 4).
11. On the 17th June 2025 the Council received a letter from the Planning Inspectorate that an appeal under ground (a) - Section 174(2)(a) of the Town and Country Planning Act 1990 - That planning permission should be granted for what is alleged in the notice, had been received for the enforcement notice issued on 16th May 2025 which related to plot 2. I exhibit

a copy of the enforcement notice already exhibited as **AC/133** At the time of this statement The Planning Inspectorate has not made their decision whether the appeal should be dismissed and the enforcement notice upheld, or if the enforcement notice should be quashed and planning permission granted for the Change of use of land for the siting of a mobile home, touring caravan & outbuilding with erection of fence & gate for Gypsy / Traveller occupation.

12. On 14th July 2026 I received an email from a resident of Kilndown with a screenshot from Facebook of the land on plot 2 being advertised for sale including the mobile home and generator and advising that planning permission in relation to the mobile home had been applied for and 1 tourer and a day room. I exhibit the Facebook post as **AC/138**.
13. On the 2nd September 2025, when visiting the land at Kilndown to ensure that copies of the Injunction Order were still on the land (which is done periodically), I noticed that the mobile home on Plot 2 was no longer being occupied and all the furniture had been removed from inside. I exhibit photographs **AC/139 to AC/141**. Also on plot 4 the touring caravan was no longer on the land, and there were no vehicles. I then noticed that they had been concealing a wastewater treatment unit which now had rubber matting and a tarpaulin placed over the top of it. I exhibit a photo as **AC/142**.
14. On the 3 September 2025 I was made aware of a Facebook post on a group called 'Kent Land For Sale Or Rent' by Wesy Lee showing he was advertising plot 3 for sale as 2 separate plots. I exhibit a screen shot of the post as **AC/143**.
15. On the 9th September 2025 we received a complaint that plot 6 was being used for equine use. After investigation it was determined that it was not a change of use as it was being used for grazing.
16. On the 10th October 2026, I visited the land as the Planning inspector appointed by the Secretary of State to determine the appeal relating to plot 4 was undertaking a site visit. On this visit copies of the Injunctions were still displayed on the different plots, and I could also see that the mobile home on plot 2 was still empty.
17. On the 24th October 2025, Mark Harbottle the appointed inspector by the Secretary of State, gave his decision, which was to dismiss all of the appeals, and varied the notice in section 6 to allow for the correct time of year for the planting of the hedgerow. I exhibit a copy of the decision as **AC/144**.

18. On the 10 December 2025 a new Local plan was adopted by the council, which continues to support that this area of land needs to be protected from development, both authorised and unauthorised. The policies of the Local Plan which apply are:

STR 1 The Development Strategy

STR 2 Place Shaping and Design

STR 4: Ensuring Comprehensive Development

STR6: Transport and Parking

STR 7 Climate Change

STR8 Conserving and Enhancing the Natural, Built, and Historic Environment

STR10 Neighbourhood Plans

PSTR/GO1 The Strategy for Goudhurst Parish

EN1 Sustainable Design

EN2 Sustainable Design Standards

EN3 Climate Change Mitigation and Adaption

EN4 Historic Environment, Including Heritage Assets

EN8 Outdoor Lighting and Dark Skies

EN9 Biodiversity Net Gain

EN10 Protection of Designated Sites and Habitats

EN12 Trees, Woodland, Hedges and Development

EN18 Rural Landscape

EN19 The High Weald Area of Outstanding Natural Beauty

EN20 Agricultural Land

EN24 Water Supply, Quality, and Conservation

EN25 Flood Risk

EN26 Sustainable Drainage

H9 Gypsies and Travellers

TP2 Transport Design and Accessibility

TP3: Parking Standards

TP6 Safeguarding Roads

19. On the 17th March 2025 I visited the land, I put up new copies of the Injunctions as some had pages removed. The mobile home on plot 2 was still empty and a fence panel was broken as was the wooden gate. I exhibit photographs **AC/145 to AC/147**. On plot 4 the mobile home was still on the land along with a shed and other residential paraphernalia. A horse was also back in the field. Condition (ii) of the Enforcement notice had still not been complied with and the compliance date had passed. Condition (iii) also has not been complied with but the compliance date has not yet been reached. I exhibit photos **AC/148 to AC/156**.

20. On the 27th April 2026 I called KEITH JEEVES and left a voicemail as there was no answer, he then called me back. I asked him when he would be removing the mobile home, shed and complying with the Enforcement Notice as it was overdue. He replied saying he had not heard anything about the appeal having been decided. I advised that the Planning Inspectorate would have informed his agent directly of the decision. I advised him that along with the enforcement notice being complied with, that the mobile home needs to be removed and the shed. He asked for 8 weeks to remove the mobile home. I said that I would have to issue an Enforcement Notice for the removal of the mobile home and the shed. With that his voice changed to an aggressive tone saying "Do what you want to do, first time I've been told about the outcome, if you don't give me time, I will be spiteful and dump lorry loads of rubbish on the land". He then ended the call. I shortly got a call back from KEITH JEEVES to advise me that he hopes to have the mobile home removed in 8 weeks. He then asked what is happening with the application he has made. I advised him that there is no planning application for him awaiting a decision. He said he keeps asking his agent every week what is happening and being told he should hear shortly. I checked the system again and advised that there were no applications in his name for a mobile home. He said Stuart was meant to put it in his name from Bonny's as she had pulled out when the Council got the injunction. I advised again that there were no pending planning applications. He said that an application for just one mobile home, touring caravan and possibly a day room should have been submitted, and he had been trying to call Stuart but got no answer. He said that he would get in his car and drive to his house and throttle him and he ended the call. Shortly later about 17:55 I got another call from KEITH JEEVES. He said Stuart had called him back and said that he would call me to sort this out. He also advised that he had put the mobile home up for sale and hoped to get an answer and for it to be removed within 14 days. He said that this has cost him a lot of money and that he had only done what his agent had said which was to put the caravans straight on the land and they would get permission as Kent has lowered its requirements, and he had been told that you can get permission for gypsy sites on any land now. I told KEITH JEEVES that it would be very unlikely as the land is highly protected.
21. On 28th April 2026 I got a call from KEITH JEEVES asking if STUART CARRUTHERS had called me, I advised that I had been in meetings all morning. He asked if I could call him once 'stupid Stuart' had called me. KEITH went on to say that he had spoken to Clive Emson auctioneers and that they had valued the land at £85,000 and that was a huge loss as he had paid £138,000 for the land, so he might try to split it into 3 parcels to get more money.
22. On 28th April I received a call from STUART CARRUTHERS. He started by saying that the Council had not sorted the validation of the application correctly which was in BONNY HARBOUR's name, and he had sent in all the correct paperwork. I advised that I don't deal in validation so couldn't comment other than I could see an email advising that the application

had been marked 'Not Proceed with' and that a refund had been authorised minus admin fees. STUART went on to say that he hadn't received the refund but that was most likely a planning portal issue, and that he would be putting in a new application next week for a gypsy traveller pitch.

23. I called KEITH JEEVES and advised him that I had spoken to his agent STUART CARRUTHERS and that he had advised that he would be submitting an application. KEITH told me that he had sold the mobile home and that it would be going within 14 days and that he would be going over to the land tomorrow to remove the shed.
24. On the 30th April in the morning, I received a call from KEITH JEEVES he said that the caravan should be going on 18th May, I asked when he would be doing the rest of the work to the land to comply with the enforcement notice. I also said about removing the foul water tank from the ground. He replied "you have to give at least 8 weeks and that every time I just kept asking for more and it makes me not want to do it".
25. On the 30th April at approximately 12:00 hours I served an enforcement notice on the Land (plot 4) I exhibit a copy of the enforcement notice with its map as **AC/157**. The shed which KEITH JEEVES had said he was removing was still there, I exhibit photographs of Plot 4 as **AC/158 to AC/165** which also show the enforcement notice has not been complied with. I also took photographs of the neighbouring plots, the track down from plot 2 and along plot 3 had some block paving bricks placed in the mud ruts. I exhibit these photographs as **AC/166 to AC/172**.
26. On the 1st May 2026 I called KEITH JEEVES and advised him that I had issued the Enforcement Notice on the land the day before. KEITH's voice wasn't happy and he said "do what you want you have made my land worthless, I told you the mobile was going on the 18th and don't send the letter to my sister's house she has enough to worry about". I advised him that it was sent yesterday and correspondence gets sent to the address on the land registry file and I offered to email a copy to him. He replied "Don't email me you have already said you have sent it. Makes me not want to comply with any of it. When I'm doing the work I don't want no council busy bods around". He then ended the call.
27. On 15th May 2026 at 10:28, I received a phone call from KEITH JEEVES regarding his plot. He advised that the mobile home and shed were due to be removed on Monday 18th May, with a digger scheduled to attend on Tuesday to carefully remove the waste tank and backfill the hole with soil from around it, he asked if he could put some of the hardcore into the hole, I confirmed it should be soil, the hardcore should be removed. He confirmed as I had said it wasn't to go in the hole he wouldn't and he would document it by video or photos. He further explained that the existing hardcore would be scraped into a pile and removed by grab lorry.

Keith also stated that BONNY HARBOUR would be attending to remove bikes and other miscellaneous items, noting that not all of the rubbish present belongs to them and that some may have been deposited by local individuals. He confirmed that the gates would be removed and that the existing barbed wire stock fencing, previously used to contain horses, would be repositioned across the road to close off access, along with the formation of a slight bank at the entrance to further prevent entry which was how it was before he created the new opening. During the call, Keith queried whether I had spoken with STUART CARRUTHERS in relation to a planning application being submitted, stating that STUART CARRUTHERS had told him that he had received correspondence from the Council confirming all paperwork was in order. I advised that I was only aware of a copy of the recently issued enforcement notice being posted to him and that applications and related queries are not dealt with by me. Keith requested that I ask local residents to refrain from filming while works are underway, stating he would otherwise take their phone off them and contact the Police, as he said when he or his friend visit the land people stop their cars to film what they are doing on the land. He also asked about action relating to individuals occupying the nearby woods; I explained this was not my case, but that I knew an Article 4 Direction had been issued and matters were ongoing. Keith requested that paperwork previously affixed to the gate be removed, as he felt it was deterring potential buyers, and further asked that no correspondence be sent to his sister's address or displayed on the land due to concerns for her safety. Finally, Keith expressed dissatisfaction at the issuing of a further Enforcement Notice, stating he had already indicated his intention to remove the caravan and restore the land.

28. On 19 May 2026 at 08:57, I received a telephone call from KEITH JEEVES. He advised that the caravan had not been removed on Monday as planned due to a breakdown of the vehicle intended to collect it; however, he stated that it was expected to be removed later that day. He confirmed that the shed was in the process of being loaded whilst he was speaking to me. He stated that a digger operator was on site scraping the hardcore into a pile and would be forming a slight bank along the edge of the field adjacent to the road. Once this work was completed, he advised that he would be proceeding to remove the tank, including excavation and removal from the ground. He advised that a fence would be installed across the entrance, and if this work was not completed that day, he would return over the weekend to finish it. He also confirmed that the concrete planters, bikes, and other miscellaneous items had been removed. He said that in October, if he still owned the land he would plant the hedgerow. During the conversation, he stated that he was "a man of his word, good and bad."
29. I received a voicemail from KEITH JEEVES on 19th May 2026 at 16:27, you're welcome to pop down and have a look at the site now if you want to the hardcore is heaped up, the grab lorry is supposed to be coming Thursday to grab it for me, and the caravan is supposed to

be going tomorrow but we will telling you Friday just to make sure and then Saturday I'm going down pick up and anything else I see lying about and finish the gate off. So all done give me a ring when you can.

The Council's reasons for applying to extend the injunction order with variation.

30. There have been no changes to the sensitivity and planning constraints in relation to the injunction land. The Council's position is that it is unlikely that planning permission would ever be granted for development on this land and I attach a report authored by Lucinda Roach Development Manager setting out the policy constraints and considerations.
31. Last year there was considerable activity on the land and the Council considers that swift action and orders granted preserved the status quo and prevented unauthorised incursion on to the land.
32. The injunction order is due to expire on 6th June 2025 and the Council has serious concerns for the land upon expiry.
33. The Council considers that there remains a significant risk of breaches of planning control if and when the injunction order expires.
34. In relation to Plots 2 and 3, evidence from publicly available social media posts indicates that BILL LEE and WESY LEE (cousins) have been attempting to sell parts of the injunction land. However, there are currently no corresponding pending applications registered with HM Land Registry for Plot 3, with only an application noted in respect of Plot 2. BILL LEE has vacated his plot(2) but has left the mobile home and shed in situ, which raises concerns that the land remains available for reoccupation as soon as the injunction order expires, or possibly before as his plot has an area marked in the order in which residential use is currently permitted. The Council is therefore concerned that, upon expiry of the current injunction, BILL LEE will return to his mobile home and WESY LEE may seek to occupy his plot. Or, the plots may be sold, as per the social media posts, and those to whom it is sold will attempt to occupy the plots.
35. In relation to Plot 2 with BILL LEE no longer living on since the visit of 2nd September 2025 and subsequent visits the removal of "save for the area edged blue" from the wording of i)

- i. Allow the use of the Land, save for the area edged blue, for human habitation or residential occupation or any other purpose in breach of planning control;

36. In relation to Plot 2, the outstanding appeal in relation to the Enforcement Notice affecting Plot 2 is of significant concern to the Council. This demonstrates that the recipients of the enforcement notice still have intentions for their land. It is not known how long it will take for this appeal to be determined. Beyond determination, there is also the possibility of a statutory challenge against the decision. This could take months, if not years, to finally determine. Once the order expires, the land is at risk.

Separately, this appeal process demonstrates that, once the land is occupied and developed, enforcement action can be subject to delay due to the current backlog in planning enforcement appeals. This creates a risk that unauthorised occupation could persist for a prolonged period, resulting in continued harm to the land.

37. In relation to Plot 4, there are continuing issues. KEITH JEEVES (Plot 4) has indicated his intention to submit a planning application for a gypsy and traveller pitch, which demonstrates a continued intention to reside on the land. Furthermore, there has been non-compliance with the requirements of the Enforcement Notice issued, specifically in relation to the closure of the access and the removal of hardcore. Although it has been verbally indicated that works to address this are underway, this has not been verified by a site visit at the time of writing this statement. The retention of this access facilitates entry to the site, including easier access for large vehicles to Plots 1, 2, and 3, thereby increasing the risk of further unauthorised occupation. The timing of the commencement of these works gives rise to concern that they may be intended to avoid further enforcement action, and there remains a lack of clarity as to the intended future use of the land, including whether it is to be sold or developed as a gypsy and traveller site.

38. Furthermore, the Council has issued a further enforcement notice in relation to this plot. It is likely, given the history of this plot, that Mr Jeeves will appeal this enforcement notice also. If the Council refuses the planning application that he has spoken of, it is likely he will appeal against that planning decision. Again, this could take months, if not years and if the order is not continued, the land will continue to be at risk.

39. In relation to a mobile home and a touring caravan having been removed from plot 4 as seen by the Council on site visit on 2nd September 2025 and subsequent visits. At the time of writing this statement the Council has witnessed only a total of 2 mobile homes left across all

plots of the land the Council would request a variation of the order for ii with the removal of “over and above three mobile homes and one touring caravan existing on the Land” and replaced with “over and above two mobile homes on the land”

ii. Bring onto the Land any touring caravans and/or mobile homes (over and above the three mobile homes and one touring caravan existing on the Land) for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;

40. In relation to buildings or structures on the land, on the last visit to the land on 30th April 2026 there were no dog kennels and only 2 sheds left on the land, one on plot 2 and one on plot 4. I would there for request that the wording is varied for iii by removing “over and above the three sheds and one dog kennel structure existing on the land” and replaced with “ over and above the two sheds existing on the land”

iii. Bring /erect/install any buildings or structures (over and above the three sheds and one dog kennel structure existing on the Land) for the purposes of human habitation or residential occupation or any other purpose in breach of planning control;

41. Whilst the Council does not have specific information regarding the remaining plots, this does not reduce the concern. As I have set out above, when the court was not satisfied that there was a risk to all plots the Council originally included in the injunction land, those owners, despite positive comments that they had no intentions for developing the land, did exactly that because their land was not protected by the order. The Council contends that some owners are simply laying low, waiting for the order to expire.

42. On 18 May 2026, the Council received two separate reports of 2 different unauthorised traveller encampments on private land within the Borough of Tunbridge Wells. This raises concern that such groups may be present in the locality and may seek to occupy the land in question, particularly in the absence of the injunction.

43. The Claimant has carefully considered its options in respect of the Land and the information and evidence to hand but points to the following issues:

i) an enforcement notice but this would not be effective against anticipated breaches and so would not prevent residential occupation across the Land.

ii) The enforcement appeal process is lengthy (as demonstrated)

- iii) Even when exhausted, the penalty for breach of an enforcement notice involves commencing criminal proceedings (where there are also delays) and the only penalty is financial which is not a deterrent.

- 44. The Claimant is of the view that the injunction order has been effective and that, in the circumstances, given the anticipated breaches of planning control, and the sensitivity of the land, the injunction is the most effective option and that it is proportionate.
- 45. It is important to take into account the Human Rights issues, especially Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to enjoy property), relevant to this development. It is considered that the assessment and considerations in this report represent an appropriate balance between the rights of the landowner (to enjoy their land subject to reasonable and proportionate controls by a public authority), the interests and rights of those adversely affected by the unauthorised development (the respect for private life and their home and the peaceful enjoyment of their properties) and the wider public interest. The Council has had numerous complaints from other local residents in the course of these proceedings.
- 46. The service of an Injunction could be interpreted as an interference with the rights of a property owner to use his property as he sees fit and the right to private and family life as set out in Article 8. Such interference is permitted by the Convention if it is in the general interest, but the interference must be 'proportionate', which means that it must not be in excess of what is needed to prevent harm to the general interest.

PERSONS UNKNOWN

- 47. With regard to the fifth defendants, I am aware of the guidance of the Supreme Court in *Wolverhampton City Council and others v London Gypsies and Travellers and others* [2023] UKSC 47 and the Council is of the view that this is justified as:
 - (i) There is a compelling justification for the remedy. This includes consideration of the obligation/duty to provide sites for Gypsies and Travellers [190], Needs assessments, planning policy, other statutory powers available and bylaws. Tunbridge Wells Borough Council has recently adopted a new Local Plan which contains policy H9 specifically for Traveller Accommodation., Planning applications should comply with policy H9 and the development on the Land is contrary to planning policy and other statutory powers are not effective;
 - (ii) There are adequate procedural safeguards in both the application and the draft order including an obligation to take all reasonable steps to draw the application and any order

made to the attention of those likely to be affected by it and to provide generous provision for liberty to apply to have the injunction varied or set aside;

(iii) The Council has considered any matter which a newcomer might raise to oppose the making of the order;

(iv) The order has clear geographical limits as outlined on the plan attached and temporal limits – there is a Return Date;

(v) It is just and convenient that an injunction be granted for the reasons set out in this witness statement.

48. In short, the Council simply does not know who future occupiers intending to occupy the site might be especially as there have been adverts for sale.

ALTERNATIVE SERVICE

49. The Claimant therefore also applies for an Order for service of any injunction order the court may grant by way of the alternative method set out in the draft attached hereto.

50. There is an urgent need to serve any Order granted to restrain further breaches of planning control. It is the Claimant's experience that orders served in the manner proposed are effective in bringing such orders to the attention of the Defendants and also its servants or agents.

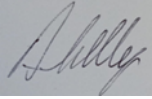
CONCLUSIONS

51. The injunction order is sought to prevent further works from being undertaken and to apprehend the anticipated breaches of planning control which are considered likely for the reasons set out above once the existing injunction order expires. Other options are not effective. It is considered that there is sufficient evidence of an intended breach of planning control that cannot be effectively restrained or apprehended by any means other than an injunction.

52. For these reasons, the Claimant contends that it is necessary and expedient to restrain the Defendants in the manner sought in the draft Order.

I believe that the facts stated in this witness statement are true. 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.

Signed: 

Dated: 21/05/2026