

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2025-001812**

**Matter no. KB-2025-001739**

**KING'S BENCH DIVISION**

**IN THE MATTER OF S.187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**BEFORE THE HONOURABLE MR JUSTICE LAVENDER**

**DATED 6<sup>th</sup> June 2025**



**KB-2025-001812**

**B E T W E E N : -**

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**Claimant**

**and**

**BILL LEE**

**BILL LEONARD LEE**

**WESY BILL WALLY LEE**

**ROY CHRISTOPHER DRAPER**

**ALBIE JOHN WILKINS**

**PERSONS UNKNOWN (being those, whether the extended family of the named Defendants or otherwise, with an interest in or intending to undertake works or intending to occupy land known as "Land between Kilndown Poultry Farm and Evanden Farm, Church Road, Kilndown, Cranbrook, Kent" registered at HM Land Registry under Title Numbers K871684, TT171000, TT171757)**

**KEITH JEEVES**

**CURTIS LOVE**

**BONNY HARBOUR**

**JONNY BIGMORE**

**Defendants**

**INJUNCTION ORDER**

## **PENAL NOTICE**

**IF YOU THE WITHIN NAMED: BILL LEE, BILL LEONARD LEE, WESY BILL WALLY LEE, ROY CHRISTOPHER DRAPER, ALBIE JOHN WILKINS, KEITH JEEVES, CURTIS LOVE, BONNY HARBOUR, JONNY BIGMORE AND PERSONS UNKNOWN DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED. ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

## **IMPORTANT**

This Order prohibits you from doing the acts set out in this Order. You should read the terms of the Order and the guidance notes very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge the Order.

If you disobey this order you may be found guilty of Contempt of Court and may be sent to prison or fined. In the case of a Corporate Defendant, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

On the 6<sup>th</sup> June 2025 Mr Justice Lavender considered the Applications brought by Tunbridge Wells Borough Council ("the Claimant") for an injunction supported by the Witness Statements listed in Schedule A and accepted the undertakings listed in Schedule B at the end of this Order.

UPON hearing Counsel for the Claimant and upon hearing from the Third Defendant (whose made representations on his behalf) and upon reading the witness statements listed in Schedule A and upon accepting the undertakings listed in Schedule B

IT IS ORDERED THAT FOR A PERIOD OF 12 MONTHS (UNTIL 6<sup>th</sup> June 2026) OR FURTHER ORDER:

## **THE INJUNCTION**

In relation to the Land known as "Land between Kilndown Poultry Farm and Evanden Farm, Church Road, Kilndown, Cranbrook, Kent" registered at HM Land Registry under Title Numbers K871684, TT171000, TT171757 (the Land) as shown edged red on the attached plan, the Defendants whether by themselves or by instructing, encouraging or permitting any other person must not use the Land or carry out works to the Land in breach of planning control and, in particular, must not:

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;  
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;

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;

Bring onto the Land any portable structures including portable toilets and any other further items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;

Bring onto the Land any further waste materials and/or hardcore and/or like materials for any purpose, including the further creation/laying of hardstandings or hard surfaces, in association with the use of Land for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;

Carry out any further works in relation to the formation of paths, roadways or any works including the provision of sewerage, water and electricity infrastructure associated with the use of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;

Carry out any further works to the Land associated with or in preparation for its use for stationing caravans/or mobile homes or for the erection of a building and/or any structure for human habitation or residential occupation or any other purpose in breach of planning control;

Undertake any further development on the Land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission.

#### **IT IS FURTHER ORDERED THAT:**

##### **ALTERNATIVE SERVICE**

Service of this Order and related documentation may be effected on the Fifth Defendant, Mr Albie John Wilkins, the Ninth Defendant Ms Bonny Harbour, the Tenth Defendant Mr Jonny Bigmore and Persons Unknown by: the posting of the said Order, the amended Claim Form and evidence (provided electronically to be accessed via QR code) in support of the Application and any future documentation in a transparent waterproof envelope in a prominent position on the Land;

Service of this Order and related documentation may be effected on the Second Defendant, Mr Bill Leonard Lee by the posting of the said Order, the amended Claim Form and evidence (provided electronically to be accessed via QR code) in support of the Application and any future documentation in a transparent waterproof envelope at the mobile home occupied by the Second Defendant on the Land.

Such posting in accordance with paragraphs 2 and 3 shall be deemed to be good and sufficient service on those Defendants of the said Order, the Application Notice, Claim Form and evidence in support of the Application and any future documentation on the date it was so affixed.

The Council shall, in addition, ensure advertisement on the Claimant's website and social media sites which it considers might be reasonably bring this Order to the attention of the Defendants.

#### THE CLAIM FORM

The Claim Form be amended to include the Seventh – Tenth Defendants.

#### FURTHER EVIDENCE

The Council to provide witness evidence to demonstrate that the Sixth – Tenth Defendants had notice of the hearing taking place on 6<sup>th</sup> June 2025.

#### VARIATION OR DISCHARGE OF THIS ORDER

The Defendants may each of them (or anyone notified of this Order) apply to the Court on 48 hours written notice to the Claimant's legal representatives to vary or discharge this Order (or so much of it as affects that person). Except that the hours between 5pm on any Friday and 9am on any Monday cannot be counted as part of the 48 hours' notice period.

Any person, other than named Defendants, who wishes to be heard under paragraph 8 must apply to the court to be added as a named defendant to these proceedings and must provide their names and contact details in the application.

#### COSTS OF THE APPLICATION

Costs reserved.

Liberty to apply.

## GUIDANCE NOTES

### Effect of this Order – The Defendants

A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

### Effect of this Order - Parties other than the Claimant and Defendants

It is a Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

The grant of this order does not prevent the Defendants from raising any objection of law, practice, justice or convenience at the Return Date or other hearing before the court.

### Interpretation of this Order

In this Order, the words “the Land” means land known as “Land between Kilndown Poultry Farm and Evanden Farm, Church Road, Kilndown, Cranbrook, Kent” registered at HM Land Registry under Title Numbers K871684, TT171000, TT171757 edged red on the attached plan.

In this Order, where there is more than one Defendant (unless otherwise stated) references to “the Defendants” means each or all of them.

A requirement to serve on “the Defendants” means on each of them. However, the Order is effective against any Defendant on whom it is served.

An Order requiring “the Defendants” not to do anything applies to all Defendants.

In this Order, the Sixth Defendant identified only as “Persons Unknown” refers to those adult persons who are not named Defendants to this Application who have an interest in the Land and/or intend to carry out further works to the Land and/or intend to occupy the Land.

### Communications with the Court

All communications to the Court about this Order should be sent to King’s Bench Listing Office, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday except holidays.

## SCHEDULE A

### Evidence

The Judge read the following written evidence before making this Order:-

First Witness Statement of Andrew Culley dated 15<sup>th</sup> May 2025  
First Witness Statement of Leanne Tarling dated 15<sup>th</sup> May 2025  
First Witness Statement of Heather Stevens dated 22<sup>nd</sup> May 2025  
Second Witness Statement of Andrew Culley dated 22<sup>nd</sup> May 2025  
Third Witness Statement of Andrew Culley dated 30<sup>th</sup> May 2025  
Second Witness Statement of Leanne Tarling dated 30<sup>th</sup> May 2025  
Fourth Witness Statement of Andrew Culley dated 4<sup>th</sup> June 2025  
Third Witness Statement of Leanne Tarling dated 4<sup>th</sup> June 2025  
Second Witness Statement of Heather Stevens dated 4<sup>th</sup> June 2025  
First Witness Statement of Izindi Visagie dated 4<sup>th</sup> June 2025  
First Witness Statement of Terry Hughes dated 4<sup>th</sup> June 2025

## SCHEDULE B

Undertakings given to the Court by the Claimant:-

As soon as practicable the Claimant will serve on the named Defendants a sealed copy of this Order, the amended Claim Form and evidence (provided electronically to be accessed via QR code) in support of the Application and any future documentation pursuant to the Order for alternative service herein.

As soon as practicable the Claimant will serve on the named Defendants the sealed amended Claim Form in this action claiming the appropriate relief.

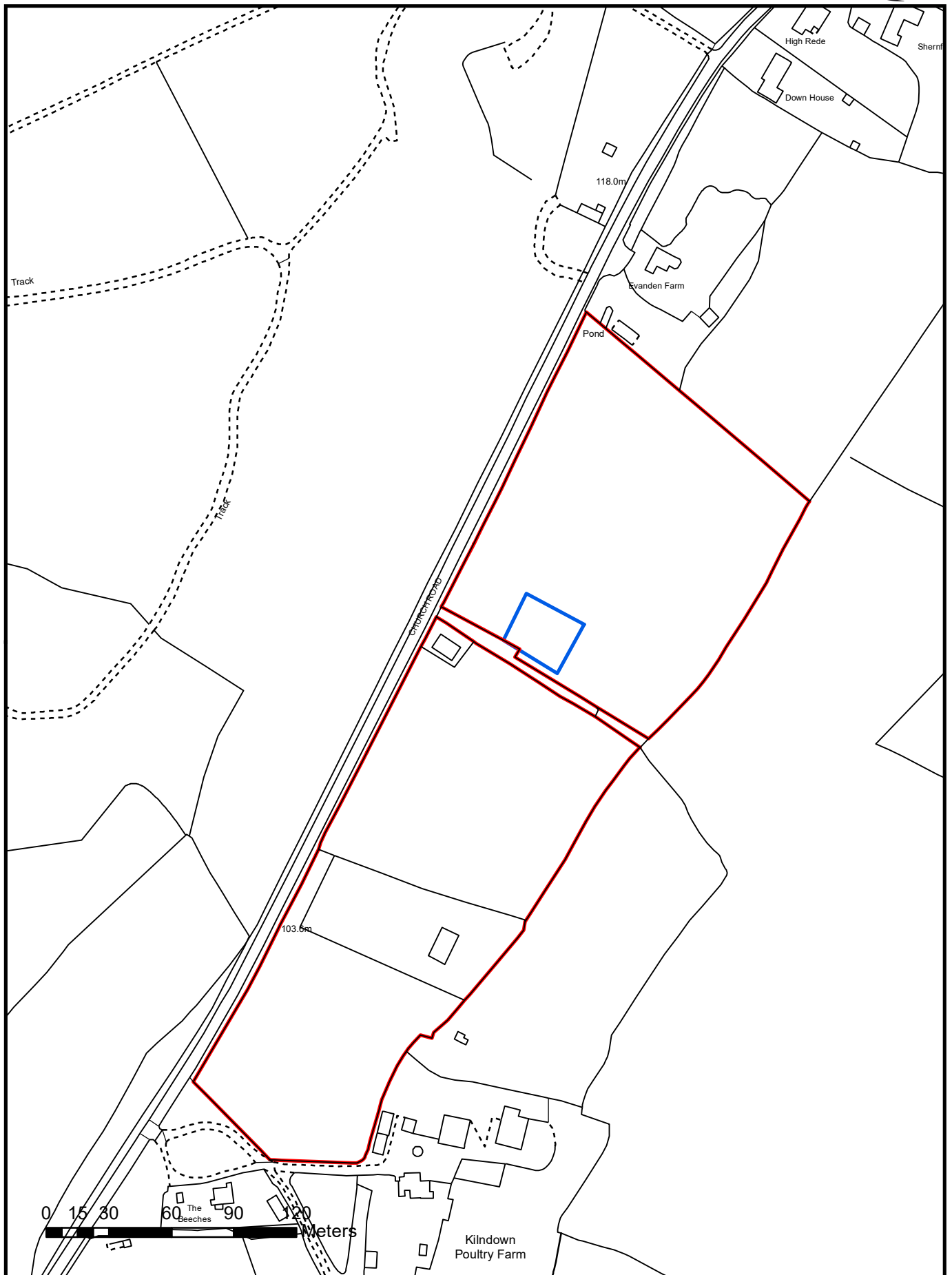
To use the Claimant's best endeavours to effect personal service on the named Defendants.

Name and Address of Claimant's Legal Representatives:-

Ms Izindi Visagie  
Ivy Legal Ltd  
4<sup>th</sup> floor, 33 Cannon Street  
London  
EC4M 5SB

Tel: 02037455896

Email: [izindi@ivylegal.co.uk](mailto:izindi@ivylegal.co.uk)



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