

**KING'S BENCH DIVISION**

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

MR[S] JUSTICE

DATED

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 (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 TT171000, TT171902, TT171996, TT171757, TT173927 and TT173872)
- (7) KEITH JEEVES
- (8) CURTIS LOVE
- (9) BONNY HARBOUR
- (10) JONNY BIGMORE

**Defendants**

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**INJUNCTION ORDER**

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**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**

1. 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.
  
2. 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.

**UPON** the Claimant's urgent application without notice for an injunction pursuant to section 187B of the Town and Country Planning Act 1990.

**AND UPON** the Claimant's application for an interim injunction being heard without notice on 16 May 2025 by the Honourable Ms. Justice Eyre and being varied on application by the Claimant on 23 May and 30 May by Mr Justice Dexter Dias and continued for 12 months on 6<sup>th</sup> June 2025 by the Honourable Mr Justice Lavendar, having heard from the Third Defendant.

**AND UPON READING** the Claim Form, the Application Notice, the Details of the Claim, the witness statements of the Claimant as set out under Schedule A and accepted the undertaking listed in Schedule B at the end of this Order.

**UPON** hearing Counsel for the Claimant 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 2027) OR FURTHER ORDER:**

### **THE INJUNCTION**

1. 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 TT171000, TT171902, TT171996, TT171757, TT173927 and TT173872 (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:
  - i. Allow the use of the Land, for human habitation or residential occupation or any other purpose in breach of planning control;

- ii. Bring onto the Land any touring caravans and/or mobile homes (over and above two mobile homes on the Land) for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
- iii. Bring /erect/install any buildings or structures (over and above two sheds existing on the Land) for the purposes of human habitation or residential occupation or any other purpose in breach of planning control;
- iv. 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;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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**

1. Pursuant to CPR 6.15 and 6.27, permission for alternative service of the order on the Defendants is granted.
2. Service of this Order on all Defendants may be effected by the Claimant:

- a. Affixing sealed copies of the Order in transparent waterproof envelopes at conspicuous locations including on the gate at the vehicle entrance to the Land and on a stake on the Land;
  - b. Posting by way of first class post sealed copies of the Order to the Defendants whose addresses are known to the Claimant.
3. This shall be deemed to be good and sufficient service of this Order on the date copies of the Order are affixed on the Land on all of the Defendants and the need for personal service of this Order is dispensed with in relation to each of the Defendants for the purposes of CPR Part 81.
4. The Claimant shall also provide a QR code with the Order providing access to the Application Notice, Counsel's skeleton argument and evidence in support of the Application.
5. The Claimant shall publish a sealed copy of this Order on the Claimant's website (where details including the time, place and date of any hearing shall also be published).
6. Subject to further order, copies of any future documentation may be validly served on the Defendants in the ways specified above.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

7. 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.
8. Any person, other than named Defendants, who wishes to be heard 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**

9. Costs reserved.
10. 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**

1. 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 TT171000, TT171902, TT171996, TT171757, TT173927 and TT173872 edged red on the attached plan.
2. In this Order, where there is more than one Defendant (unless otherwise stated) references to “the Defendants” means each or all of them.
3. 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.
4. An Order requiring “the Defendants” not to do anything applies to all Defendants.
5. 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 Room WG08, 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:-

1. Sixth Witness Statement of Andrew Culley dated 21<sup>st</sup> May 2026

## **SCHEDULE B**

### **Undertakings given to the Court by the Claimant:-**

1. As soon as practicable the Claimant will serve on the named Defendants a sealed copy of this Order, 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.
2. To use the Claimant's best endeavours to effect personal service on the named Defendants.

### **Name and Address of Claimant's Legal Representatives:-**

Mid Kent Legal Services  
Tunbridge Wells Borough Council  
Town Hall  
Mount Pleasant Road  
Tunbridge Wells  
Kent  
TN1 1RS

Tel: 01622 602126

Email: [heather.stevens@midkent.gov.uk](mailto:heather.stevens@midkent.gov.uk)

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**DATED**

**IN THE MATTER**

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

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**Claimant**

**-and-**

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Tunbridge Wells Borough Council  
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