

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS IN LEEDS**  
**PROPERTY TRUSTS AND PROBATE LIST (CHD)**

CLAIM NO: PT-2024-LDS-000022

**BETWEEN:-**

- (1) MOTOR FUEL LIMITED  
(2) PEREGRINE RETAIL LIMITED

**Claimants**

**-and-**

(1) PERSONS UNKNOWN WHO FOR RESIDENTIAL PURPOSES (TEMPORARY OR OTHERWISE) ENTER OCCUPY OR SET UP ENCAMPMENT ON THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITHOUT THE CONSENT OF THE CLAIMANTS

(2) PERSONS UNKNOWN WHO ENTER THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITH THE INTENTION OF SYPHONING FUEL FROM THE CLAIMANTS' FILLING PUMPS AND/OR A VEHICLE OR RECEPTACLE THAT DOES NOT BELONG TO THAT INDIVIDUAL AND WITHOUT THE CONSENT OF THE OWNER OF THAT VEHICLE OR RECEPTACLE

**Defendants**

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*draft* ORDER

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**PENAL NOTICE**

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE 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 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 very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.**

**UPON** the Claimants' claim by Claim Form dated 12 February 2024.

**AND UPON** an order granting the Claimants an interim injunction made by HHJ Siobhan Kelly on 23 February 2024 (sealed on 29 February 2024) (the "**Interim Injunction Order**").

**AND UPON** an application for summary judgment of the claim dated 19 December 2024.

**AND UPON** considering the third witness statement of David Ablott dated 19 December 2024 and the exhibits thereto.

**AND UPON** hearing Counsel for the Claimants [and Counsel for the Defendants].

**IT IS ORDERED THAT:**

### **SUMMARY JUDGMENT**

1. Pursuant to CPR r. 24.4(1)(a), the Claimants have permission to apply for summary judgment against the Defendants.
2. Pursuant to CPR r. 24.3, summary judgment is granted against the Defendants on the whole of the claim.

### **DISCHARGE OF INTERIM INJUNCTION ORDER**

3. This final injunction order (this "**Final Injunction Order**") replaces the Interim Injunction Order which is discharged with effect from the date of this Final Injunction Order.

### **GRANT OF FINAL INJUNCTION ORDER**

4. With immediate effect and until 23.59 on 21 February 2028 unless varied, discharged or extended by further order, the Defendants must not: -
  - a. for residential purposes (temporary or otherwise), enter, occupy or set up encampment on, with a caravan or other vehicle, any part of the land known as Thirsk Services, York Road, Thirsk, YO7 3AA, which is shown for illustration purposes edged red on the Plan annexed to Schedule 1 of this Final Injunction Order but excluding the area hatched green (containing the

Costa coffee shop and associated parking) (the “**Land**”), without the consent of the Claimants; and / or

- b. enter onto any part of the Land with the intention of syphoning fuel from the Claimants’ filling station pumps and/or a vehicle or receptacle (which is located on the Land) that does not belong to that individual and without the consent of the owner of that vehicle or receptacle.

- 5. A Defendant who is ordered not to do something must not: (a) do it himself/herself/themselves or in any other way; (b) do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions.

**VARIATION**

- 6. Anyone served with or notified of this Final Injunction Order may apply to the Court at any time to vary or discharge this Final Injunction Order or so much of it as affects that person but they must first give the Claimants’ solicitors 72 hours’ notice of such application. If any evidence is to be relied upon in support of the application the substance of it must be communicated in writing to the Claimants’ solicitors at least 48 hours in advance of any hearing.
- 7. Any person applying to vary or discharge this Final Injunction Order must provide their full name, address and address for service.
- 8. The Claimants have liberty to apply to vary this Final Injunction Order.

**REVIEW HEARING**

- 9. There shall be on the first available date after 21 August 2026, and then every 18 months thereafter for as long as this Final Injunction Order is in force, a hearing to review this Final Injunction Order, with a time estimate of 2 hours.
- 10. Permission for the Claimants to file and serve any evidence which they wish to rely upon at the review hearing by 4pm on the date 14 days before the review hearing.
- 11. Permission for any named Defendants to file and serve evidence which they wish to rely upon at the review hearing by 4pm on the date 7 days before the review hearing.

## **SERVICE**

12. Pursuant to CPR r6.15, 6.27 and 81.4(2)(c), service of this Final Injunction Order shall be effected on the Defendants by the Claimants carrying out each of the following steps:
  - a. Fixing a copy of the Final Injunction Order in clear plastic envelopes, transparent plastic boxes and/or plastic wallets as appropriate at the following locations around the Land:
    - i. The entrance ramp electrical cabinet at the entrance to the HGV Park;
    - ii. The exit ramp electrical cabinet at the exit to the HGV Park;
    - iii. The left and right hand lampposts in the staff parking area;
    - iv. The left and right hand lampposts in the customer parking area;
    - v. Each of the 4 sets of petrol pumps;
    - vi. Two of the EV charging units;
    - vii. The left and right hand side of the 2 bay parking area adjacent to the EV charging area;
    - viii. Entrance door to Budgens/Greggs; and
    - ix. The entrance to the HGV Park toilet and shower block.
  - b. Positioning a sign which is approximately A1 size at the entrance to the Site advertising the existence of this Final Injunction Order.
  - c. Uploading a copy of the Final Injunction Order to the following website: <https://www.motorfuelgroup.com>.
  - d. Sending a link to the above website by email to the email addresses listed in Schedule 2 to this Order.
13. In relation to paragraph 12 above: -

- a. the steps identified shall stand as good and sufficient service on the Defendants and the need for personal service is dispensed with; and
- b. service shall be deemed effective on the latest date on which all of the said steps shall have been completed (as confirmed by the filing of a certificate of service with the Court) or, if sooner, the date of actual notice of the document in question.

**FURTHER DIRECTIONS**

14. Liberty to apply.

**NAME AND ADDRESS OF CLAIMANTS' SOLICITORS**

The Claimants' Solicitors are: Pinsent Masons LLP, 55 Colmore Row, Birmingham, B3 2FG.

**SERVICE OF THE ORDER:**

The Court has provided a sealed copy of this Order to the serving party's solicitors:-

Pinsent Masons LLP

1 Park Row

Leeds

LS1 5AB

Reference: AF02/MO0147.07467CM80

Email: [connor.merrifield@pinsentmasons.com](mailto:connor.merrifield@pinsentmasons.com)

Email: [claire.james@pinsentmasons.com](mailto:claire.james@pinsentmasons.com)

Email: [alicia.foo@pinsentmasons.com](mailto:alicia.foo@pinsentmasons.com)

**Dated:**

# SCHEDULE 1 - PLAN



## SCHEDULE 2 – EMAIL ADDRESSES

Group / Individual	Email contact (where available)	Social Media account
Leeds Gate Gypsy and Traveller Exchange	contact@leedsgate.co.uk	<a href="https://www.facebook.com/LeedsGATE">https://www.facebook.com/LeedsGATE</a>
York Travellers Trust	info@ytt.org.uk	<a href="https://www.facebook.com/YorkTravellers/">https://www.facebook.com/YorkTravellers/</a>
The Traveller Movement	(General Enquiry) <a href="mailto:info@travellermovement.org.uk">info@travellermovement.org.uk</a>  (Media Enquiries) policymanager@travellermovement.org.uk	<a href="https://www.facebook.com/travellermovement/">https://www.facebook.com/travellermovement/</a>
Friends, Families and Travellers	<a href="mailto:fft@gypsy-traveller.org">fft@gypsy-traveller.org</a>  (Press Enquiries): sami@gypsy-traveller.org	<a href="https://www.facebook.com/FriendsFamiliesandTravellers">https://www.facebook.com/FriendsFamiliesandTravellers</a>
The North Yorkshire Council	<a href="mailto:infogov@northyorks.gov.uk">infogov@northyorks.gov.uk</a> and <a href="mailto:contactus@northyorks.gov.uk">contactus@northyorks.gov.uk</a>	



IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN LEEDS  
PROPERTY, TRUSTS AND PROBATE LIST (ChD)

HER HONOUR JUDGE JACKSON (SITTING AS A JUDGE OF THE HIGH COURT)  
20 DECEMBER 2024

PT-2024-LDS-000022

BETWEEN

(1) MOTOR FUEL LIMITED (CRN: 05206547)  
(2) PEREGRINE RETAIL LIMITED (CRN: 03327423)

Claimants

and

- (1) PERSONS UNKNOWN WHO FOR RESIDENTIAL PURPOSES (TEMPORARY OR OTHERWISE) ENTER, OCCUPY, OR SET UP ENCAMPMENT ON THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITHOUT THE CONSENT OF THE CLAIMANTS
- (2) PERSONS UNKNOWN WHO ENTER THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITH THE INTENTION OF SYPHONING FUEL FROM THE CLAIMANTS' FILLING PUMPS AND/OR A VEHICLE OR RECEPTACLE THAT DOES NOT BELONG TO THAT INDIVIDUAL AND WITHOUT THE CONSENT OF THE OWNER OF THAT VEHICLE OR RECEPTACLE

Defendants

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### NOTICE OF HEARING

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**UPON** the application of Pinsent Masons LLP for summary judgment under CPR R. 24.4(1)(a) due to the nature of the claim and the fact that final injunctive relief is being sought against Persons Unknown, by notice dated 19 December 2024

**IT IS ORDERED** that:

1. The application is listed for hearing in the Applications List on

**Date:** 10 January 2025

**Time:** 10:30 am (or as soon thereafter as the application can be heard)

**Venue:** Business and Property Courts in Leeds, Fourth Floor, West Gate, 6 Grace Street, Leeds LS1 2RP

when you should attend.

**3 hours** has been allowed for the hearing.



### **IMPORTANT INFORMATION FOR THOSE ATTENDING THE HEARING**

Proceed straight to the Fourth Floor and report to the Fourth Floor reception on your arrival. There is no need to report to Ground Floor reception. If there is no member of court staff present on your arrival on the Fourth Floor please await their return. It is essential that you register your attendance with the court staff on the Fourth Floor. You must not assume that they will come to find you. The hearing may proceed in your absence if you arrive late or do not register your attendance on your arrival.

Water is not provided in the court rooms. A water cooler is available on the 4th floor from which court users may fill their own drinking bottles. The court may refuse to admit drinking bottles which pose a security risk, e.g. glass bottles, or those without lids due to the risk of damage to electrical equipment from spills.

2. If the parties consider the time estimate to be inadequate they must advise the court within 48 hours of service of this order with reasons and an agreed time estimate.
3. By 10am on **8 January 2025** the responsible party shall file\* and serve an **electronic** hearing bundle which complies with Appendix X of the Chancery Guide and the 'General guidance on electronic court bundles' found here: <https://www.judiciary.uk/announcements/general-guidance-on-electronic-court-bundles/>.
4. The responsible party is either:
  - (a) the Applicant if they are legally represented; or
  - (b) the Respondent if they are legally represented and the Applicant is not.
5. If no party is legally represented and the Applicant does not have the facilities to prepare an electronic bundle, the Applicant shall prepare a hard copy hearing bundle and provide a copy to the Respondent and to the court.
6. **The court may vacate the hearing or impose costs sanctions on the responsible party if no bundle is filed or if the bundle does not comply with the requirements of this order.**
7. By 10am on **9 January 2025** at the very latest:
  - (a) skeleton arguments shall be filed and exchanged in accordance with Chapter 14 and Appendix Y of the Chancery Guide, unless paragraph 2 of Appendix Y applies;
  - (b) the parties shall file a draft order.
8. In addition to filing by CE-File the parties shall file copies of their skeleton arguments and the draft order, in Word format (or equivalent), by email sent to [bpc.leeds.skeletons@justice.gov.uk](mailto:bpc.leeds.skeletons@justice.gov.uk).
9. By 2pm on **9 January 2025** the responsible party shall file\* and serve an agreed single joint electronic bundle of authorities.
10. Litigants in person are not required to prepare a skeleton argument, bundle of authorities or draft order but if they choose to do so they must deliver them to the court and to the other parties by the time specified above.
11. This order shall be served by the Applicant on the Respondent.

12. Any party may apply to stay, vary, or set aside the terms of this order providing the application is made not later than 4pm on the date 7 days after this order is served upon them.

## **SERVICE OF THE ORDER**

The court has provided a sealed copy of this order to the serving party:

Pinsent Masons LLP, 1 Park Row, Leeds, LS1 5AB Ref: AF02/CM80/TR30/MO0147.07467  
[connor.merrifield@pinsentmasons.com](mailto:connor.merrifield@pinsentmasons.com)

### *\*Note on electronic filing of bundles*

*CE-File: If the hearing bundle is 50MB or less it may be uploaded to CE-File. For bundles larger than 50MB consideration should be given to using the HMCTS Document Upload Centre or a commercially available file transfer service. When using CE-File the 'File Description' box should be used to give details of the document uploaded and the hearing date in order to alert staff e.g. "Bundle for hearing on [insert hearing date]". Note that filing by CE-File can remove some of the capabilities of the PDF, for example hyperlinks.*

*HMCTS Document Upload Centre: This service enables PDF hearing bundles (only) to be uploaded so that the court may access them. This is an invitation-only service so arrangements must be made with the court to access it well in advance. You will be required to provide an email address to the court office for login purposes. An invitation will be sent to the email address provided and a separate pin, which you will need to gain access to the service and allow you to upload your documents. You may upload single or multiple documents as well as a folder. There is no limit on volume or size and the speed of transfer will be dependent on internet connection upload speeds. For further details and a guide please contact the court staff.*

### *Note on representation of companies (not forming part of the formal order)*

*Unless a lawyer with a right of audience will address the court on behalf of a company:*

- (a) A director or employee wishing to do so may be required to produce the written authority of the board of directors, and*
- (b) Any other person will normally be expected to make a formal application for the discretionary grant of a right of audience well in advance of the hearing. Any such application will need to set out all the information the court needs to consider for such an application.*

*Failure to do so may result in an adjournment and/or possible costs consequences.*

N244

## Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them

when you fill in a form:

[https://www.gov.uk/](https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter)

[government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter](https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter)



<b>Name of court</b> High Court of Justice Business and Property Courts in Leeds Property, Trusts, and Probate List (ChD)	<b>Claim no.</b> ★ 19 Dec 2024 ★ PT-2024-LDS-000022
<b>Fee account no.</b> (if applicable)	<b>Help with Fees - Ref. no.</b> (if applicable) PT-2024-LDS-000022
	H W F - - -
<b>Warrant no.</b> (if applicable)	
<b>Claimant's name (including ref.)</b>  (1) Motor Fuel Limited (CRN: 05206547) (2) Peregrine Retail Limited (CRN: 03327423)  (Ref:AF02/MO0147.07467)	
<b>Defendant's name (including ref.)</b>  (1) Persons Unknown who for residential purposes (temporary or otherwise) enter, occupy, or set up encampment on the site of Thirsk Services, York Road, Thirsk, YO7 3AA, as shown for identification edged red on the attached plan, without the consent of the Claimants.  (2) Persons Unknown who enter the site of Thirsk Services, York Road, Thirsk, YO7 3AA, as shown for identification edged red on the attached plan, with the intention of syphoning fuel from the Claimants' filling pumps and/or a vehicle or receptacle that does not belong to that individual and without the consent of the owner of that vehicle or receptacle.	
<b>Date</b>	19 December 2024

1. What is your name or, if you are a legal representative, the name of your firm?

Pinsent Masons LLP

2. Are you a  Claimant  Defendant  Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

The Claimants ask the Court to make an order in the terms of the draft order attached to this Application Notice.

This is an application for summary judgment under CPR Part 24 on the grounds that the Claimants believe, on the evidence, that the Defendants have no real prospect of successfully defending the claim and that the Claimants know of no other reason why the disposal of the claim should await trial. No acknowledgment of service or defence has been filed by the Defendants. The Claimants invite the Court to grant permission for the Claimants to apply for summary judgment pursuant to CPR r. 24.4(1)(a) due to the nature of the claim and the fact that final injunctive relief is being sought against Persons Unknown. The Claimants rely upon the first, second and third witness statements of David Ablott, the witness statement of Andrew Caddick, and the witness statement of Richard Kerr Linton.

**In accordance with CPR r. 24.5, the Defendants' attention is drawn to the fact that they have a right to rely upon evidence opposing the application. If the Defendants wish to rely upon any written evidence, they must file at Court and serve copies of such evidence on the Claimants at least 7 days before the hearing.**

4. Have you attached a draft of the order you are applying for?

Yes

No

5. How do you want to have this application dealt with?

at a hearing

without a hearing

at a remote hearing

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

Hours

Minutes

Yes

No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

Judge (HHJ Siobhan Kelly has previously dealt with interim applications *vis-à-vis* the claim)

9. Who should be served with this application?

Defendants

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

This application, and supporting evidence, is to be served upon the Defendants in accordance with paragraph 8 of the order HHJ Kelly sealed on 29 February 2024 which permits service of all applications in the claim upon the Defendants by an alternative method and at an alternative place pursuant to CPR r.6.15 and 6.27.

10. What information will you be relying on, in support of your application?

the attached witness statement

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

# Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

## Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day

19

Month

12

Year

2024

## Full name

Connor Steven Merrifield

## Name of applicant's legal representative's firm

Pinsent Masons LLP

## If signing on behalf of firm or company give position or office held

Associate Solicitor

Applicant's address to which documents should be sent.

Building and street

1 Park Row

Second line of address

Town or city

Leeds

County (optional)

Postcode

L S 1 5 A B

If applicable

Phone number

[+441133686523](tel:+441133686523)

Fax phone number

DX number

Your Ref.

AF02/CM80/TR30/MO0147.07467

Email

[Alcia.Foo@pinsentmasons.com](mailto:Alcia.Foo@pinsentmasons.com); [Claire.James@pinsentmasons.com](mailto:Claire.James@pinsentmasons.com);  
[Connor.Merrifield@pinsentmasons.com](mailto:Connor.Merrifield@pinsentmasons.com)



1. Claimants
2. David Ablott
3. Third
4. Exhibits "DA3" to "DA12"
5. 19 December 2024

**Claim Number: PT-2024-LDS-000022**

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN LEEDS  
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

**(1) MOTOR FUEL LIMITED**

**-and-**

**(2) PEREGRINE RETAIL LIMITED**

**Claimants**

**-and-**

**(1) PERSONS UNKNOWN WHO FOR RESIDENTIAL PURPOSES (TEMPORARY OR OTHERWISE) ENTER OCCUPY OR SET UP ENCAMPMENT ON THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITHOUT THE CONSENT OF THE CLAIMANTS**

**-and-**

**(2) PERSONS UNKNOWN WHO ENTER THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITH THE INTENTION OF SYPHONING FUEL FROM THE CLAIMANTS' FILLING PUMPS AND/OR A VEHICLE OR RECEPTACLE THAT DOES NOT BELONG TO THAT INDIVIDUAL AND WITHOUT THE CONSENT OF THE OWNER OF THAT VEHICLE OR RECEPTACLE**

**Defendants**

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**THIRD WITNESS STATEMENT OF**

**DAVID ABLOTT**

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I, **DAVID ABLOTT** of Motor Fuel Limited, 10 Bricket Road, St Albans, Hertfordshire, AL1 3JX will say as follows: -

1. I am Operations Director in the employ of the First Claimant which is part of Motor Fuel Group ("**MFG**"). I am duly authorised to make this Witness Statement on behalf of the

- 1. Claimants
- 2. David Ablott
- 3. Third
- 4. Exhibits “DA3” to “DA12”
- 5. 19 December 2024

Claimants in support of their claim for an injunction in relation to the BP Fuel Station & EV Power at Thirsk Services, York Road, Thirsk, YO7 3AA (“**Thirsk Services**”) which the First and Second Claimants own and operate.

- 2. I am duly authorised by and make this statement in support of the Claimants’ application for summary judgment of its claim for a final injunction to restrain the Defendants from entering upon the Claimants’ property to encamp for residential purposes and / or from syphoning fuel from the Claimants’ filling pumps or a vehicle or receptacle that does not belong to that individual and without the consent of the owner of that vehicle or receptable.
- 3. Insofar as the facts and matters referred to herein are within my own knowledge, they are true and in so far as they are not within my own direct knowledge, they are true to the best of my information and belief, acquired in my capacity as Operations Director employed by the First Claimant.
- 4. This witness statement has been prepared by the Claimants’ solicitors, Pinsent Masons LLP (“**Pinsent Masons**”), following a video conference with me on 10 December 2024 in order to deal with my instructions to them about this matter and this witness statement.
- 5. There is now shown to me marked as **Exhibits “DA3” – “DA12”** a paginated bundle of true copy documents to which I refer in the course of this witness statement: -

<b>EXHIBIT</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DATE</b>	<b>PAGE(S) OF EXHIBITS</b>
“DA3”	First Witness Statement of David Ablott	12 February 2024	1 – 10
“DA4”	Second Witness Statement of David Ablott	12 February 2024	11 – 16
“DA5”	Witness Statement of Andrew Caddick	12 February 2024	17 – 30
“DA6”	Witness Statement of Richard Linton	12 February 2024	31 – 40

1. Claimants
2. David Ablott
3. Third
4. Exhibits “DA3” to “DA12”
5. 19 December 2024

“DA7”	Sealed Order of HHJ Siobhan Kelly	15 February 2024	41 – 47
“DA8”	Sealed Order of HHJ Siobhan Kelly	29 February 2024	48 – 58
“DA9”	Certificate of Service of Connor Merrifield	21 February 2024	59 - 62
“DA10”	Witness Statement of Mick Cain	22 February 2024	63 – 65
“DA11”	Certificate of Service of Connor Merrifield	8 March 2024	66 – 70
“DA12”	Witness Statement of Mick Cain	6 March 2024	71 – 110

6. Where the reference is “DA3/4”, “DA3” indicates the exhibit referred to and “4” refers to the relevant page number within the paginated bundle of true copy documents hereto.

#### **SERVICE OF THE CLAIM**

7. On 12 February 2024, the Claimants issued the present claim following recurrent acts of trespass at Thirsk Services. The Claimants also issued an application for permission to serve the claim (and the Interim Injunction Application referred to below) on the Defendants by alternative methods of service (the “**Alternative Service Application**”).

1. Claimants
2. David Ablott
3. Third
4. Exhibits "DA3" to "DA12"
5. 19 December 2024

8. The Alternative Service Application was granted by HHJ Siobhan Kelly in the High Court of Justice Business and Property Courts in Leeds on 15 February 2024 (the "**Alternative Service Order**"). A sealed copy of the Alternative Service Order can be found at Exhibit DA7.
9. The Claimants served the documents specified at paragraph 2 of the Alternative Service Order (the "**Documents**") on the Defendants by 4pm on 19 February 2024. The steps taken included affixing the Documents at various locations around the site of Thirsk Services, uploading the Documents to <http://www.motorfuelgroup.com> and sending a link to the website to the email addresses specified in Schedule 2 to the Alternative Service Order. A copy of the Certificate of Service of Connor Merrifield dated 21 February 2024 and the witness statement of Mick Cain dated 22 February 2024 confirming the steps taken to effect service of the Documents can be found at DA9 and DA10.
10. I understand from Pinsent Masons that no Acknowledgment of Service, Admission or Defence was filed or served by the Defendants within 14 days of service of the claim. Nor has any such document been filed or served since. At the time of making this witness statement, the Defendants have failed to provide any substantive response to the claim.

#### **THE APPLICATION FOR AN INTERIM INJUNCTION**

11. The Claimants previously made an application for an interim injunction to restrain the Defendants from entering upon the Claimants' property to encamp for residential purposes (temporary or otherwise) and / or from syphoning fuel from the Claimants' filling pumps and/or a vehicle or receptacle that does not belong to that individual and without the consent of the owner of that vehicle or receptacle (the "**Interim Injunction Application**").
12. I made two witness statements in support of the Interim Injunction Application both dated 12 February 2024. Copies of my previous witness statements can be found at Exhibits DA3 and DA4. My witness statements were made following my review of the witness statements of Mr Andrew Caddick of Triton Security and Facilities Management ("**Triton**") and Mr Richard Linton, legal counsel of the First Claimant. A copy of Mr Caddick's witness statement can be found at Exhibit DA5 and a copy of Mr Linton's witness statement can be found at Exhibit DA6.
13. As detailed at paragraphs 8-15 of Mr Caddick's statement, there were numerous instances of the Defendants seeking to: (i) encamp upon the Claimants' property for residential purposes (temporary or otherwise); and / or (ii) enter the Claimants' property with the

**1. Claimants**  
**2. David Ablott**  
**3. Third**  
**4. Exhibits “DA3” to “DA12”**  
**5. 19 December 2024**

intention to syphon fuel from the Claimants’ filling pumps and/or a vehicle or receptable that does not belong to the relevant individual. Such instances occurred routinely for a prolonged period of time - stretching from the period commencing on 27 December 2022 to 11 January 2024.

14. By way of example only, Mr Caddick confirmed that Triton had either prevented or dealt with: -
- 14.1 The Defendants attempting to encamp upon the Claimants’ property for residential purposes on the 12 March 2023, 14 April 2023, 27 May 2023, 2 June 2023, 4 June 2023, 12 June 2023, 21 June 2023, 23 June 2023, 24 June 2023, 6 July 2023, 30 July 2023, 4 August 2023, 6 August 2023, 10 August 2023, 13 August 2023, 20 August 2023, 24 August 2023, 27 August 2023, 14 September 2023, 24 September 2023, 8 October 2023, 27 November 2023 and 10-11 January 2024;
- 14.2 The Defendants entering the Claimants’ property with the intention to syphon fuel from the Claimants’ filling pumps and / or a vehicle or receptacle that does not belong to that individual and without the consent of the owner of that vehicle or receptacle on 13 July 2023, 15 July 2023, 18 July 2023, 26 July 2023, 7 September 2023, 10 September 2023 and 21 September 2023;
- 14.3 The Defendants behaving in an aggressive manner towards security officers or members of staff, particularly when challenged about their behaviour, for example on 20 February 2023, 13 April 2023, 4 June 2023, 22 June 2023, 24 August 2023 and 29 August 2023;
- 14.4 The Defendants causing or attempting to cause damage to property whilst trespassing on the Claimants’ property and/or attempting to gain access to Thirsk Services, including:
- 14.4.1 attempting to smash lighting on the Land at the back of the HGV Park and the Shower Block on 10 January 2023;
- 14.4.2 causing damage to newly planted trees in the Undeveloped Area on 11 January 2023;
- 14.4.3 throwing objects resulting in a smashed van on 14 January 2023;
- 14.4.4 throwing stones at plant and security vehicles on 11 February 2023;

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- 14.4.5 causing damage to fencing when attempting to gain access to the HGV Park on 18 March 2023;
- 14.4.6 damaging unit vans by the throwing of stones on 8 May 2023 and 19 June 2023;
- 14.4.7 causing or attempting to cause damage by the throwing of stones or other objects on 15 May 2023, 2 June 2023, 20 June 2023, 1 July 2023, 10 July 2023, 31 July 2023, 24 August 2023, including throwing stones or objects at customers' vehicles on many of those occasions;
- 14.5 Other instances of the Defendants entering the Claimants' property including instances where either: (i) the Claimants' property was vandalised; or (ii) no theft, or attempted theft was made, because Triton escorted them from the Claimants' land in a timely fashion. Notably, on the 26 July 2023, Mr Caddick states that the police were forced to chase 4 males through the Claimants' property who were using a stolen motorbike; and that Triton recovering a fuel canister which was dropped by those fleeing.
15. I consider that the Defendants clearly had a continuing intention, and indeed acted on such intention on numerous occasions, to encamp upon the Claimants' property for residential purposes and / or enter the Claimants' property with the intention to syphon fuel which was not theirs.
16. At paragraphs 6-15 of my first witness statement (DA3/4-8), I previously set out the prejudice suffered by the Claimants as a result of the Defendants' trespasses; notably:-
- 16.1 The Claimants were obliged to pay for security to attempt to prevent and limit the trespasses; the cost of which was prohibitive. Prior to the Interim Injunction Application, the Claimants had incurred security costs of circa. £402,000 – with ongoing security costs of circa. £1,850 per week at that time;
- 16.2 The Claimants were obliged to repair lighting, CCTV and fencing;
- 16.3 In light of the high number of incidents on the Claimants' property, the Claimants installed, fencing, boulders and rising ramps to attempt to prevent the Defendants from entering the Claimants' property. By way of example: -
- 16.3.1 the Claimants have paid £36,000 to install paving fencing which was completed on 21 November 2023; and

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16.3.2 the Claimants have paid £82,686 to install rising ramps.

- 16.4 In addition to all the costs and losses mentioned above, of particular concern - in light of the fact that Thirsk Services was a new site which was trying to build up business - was the customer dissatisfaction for those legitimate users of Thirsk Services, including HGV drivers, as well as the associated reputational damage and the loss of future business.
17. By way of comparison, it has not been necessary for the Claimants to employ Triton (or any other security company) at any similar site owned or operated by the Claimants once it has become operational. The need for security patrols to remain in place during the Operational Period at Thirsk Services was a direct result of the Defendants' wrongful acts and the repeated trespasses suffered by the Claimants prior to the claim being issued.
18. The Interim Injunction Application was heard on 23 February 2024 before HHJ Siobhan Kelly in the High Court of Justice Business and Property Courts in Leeds where an interim injunction was granted, the order being sealed on 29 February 2024 (the "Interim Injunction"). A sealed copy of the Interim Injunction can be found at Exhibit DA8.

#### **SERVICE OF THE INTERIM INJUNCTION**

19. In accordance with the alternative service provisions set out at paragraph 7 of the Interim Injunction, the Claimant served the Interim Injunction by fixed a copy at various locations around the site of Thirsk Services, positioning a warning notice of approximately A1 size advertising its existence at specified locations, uploading it to the aforementioned website and sending a link to the same to specified email addresses – all such steps took place by 5 March 2024. A copy of the Certificate of Service of Connor Merrifield dated 8 March 2024 and witness statement of Mick Cain dated 6 March 2024 confirming the steps taken to effect service of the Interim Injunction can be found at DA11 and DA12.
20. Paragraph 4 of the Interim Injunction stipulates that anyone served with or notified of the Interim Injunction may apply to the Court at any time to vary or discharge the Interim Injunction provided that they first give the Claimants' solicitors 72 hours' notice of such application. I am informed by Pinsent Masons that no such application has been made.

#### **IMPACT OF THE INTERIM INJUNCTION**

21. The Interim Injunction granted against the Defendants has been very effective; the acts of trespass have ceased.

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22. This has allowed the Claimants to forgo paying Triton to provide security at the Claimants' property in July 2024 saving the Claimants £1,850 per week (I note that this figure would likely now be higher as a result of inflation). Since stopping the security provision, the Claimants have not experienced any incidents of trespass at the Claimants' property.
23. Notably even during the Appleby Horse Fair which was held on 6 June 2024 and sees a large and increased number of travellers visiting the Claimants' property, there was no repetition of the acts of trespass or the type of behaviour detailed in the witness statement of Andrew Caddick. The Interim Injunction has clearly had a powerful deterrent effect.
24. As explained in my previous statements, and referred to above, despite the Claimants' efforts and expense, acts of trespass continued prior to the grant of the Interim Injunction (including the installation of expensive rising ramps and boulders and prohibitively expensive 24/7 security); it was, however, only the Interim Injunction which has been effective in preventing continued trespasses.

#### **Continuing Threat of Acts of Trespass**

25. The risk posed by the persons unknown represents a serious, real and imminent concern to the Claimants for the following reasons:-
  - 25.1 The Claimants are responsible for the safety and security of their employees at Thirsk Services and wish to do everything possible to avoid harm being caused to their employees and those making use of Thirsk Services. I have spoken to Sam Thompson, who is the site manager responsible for day-to-day operations at Thirsk Services. He has stated that the trespasses and theft undertaken by the Defendants severely intimidated both members of staff of the Claimants and customers of the Claimants alike. This accords with my own view of the effect of the Defendants trespasses – which caused an atmosphere of fear at Thirsk Servies and was not only off-putting to customers but upset and scared members of staff;
  - 25.2 Thirsk Services is the only services offering specialist HGV facilities – including specialist fuel pumps, separate HGV parking adjacent to the main petrol pump forecourt, and showers for HGV drivers – within a 10-mile radius (including the vicinity of Thirsk and York) which facilitates improved welfare and security for HGV drivers. It is essential that the trespasses at Thirsk Services are prevented to:-



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- 25.2.1 Ensure the safety and security of the Claimants’ employees and of all customers – especially HGV drivers who have no alternative within a 10 mile radius of Thirsk Services (including the vicinity of Thirsk and York);
- 25.2.2 Protect customers, employees and the Defendants themselves from risk of physical harm as a result of them engaging in dangerous activities such as siphoning fuel from filling pumps or a vehicle or receptacle belonging to others, and prevent further damage to the Claimants’ property and customers’ vehicles;
- 25.2.3 Protect the reputation of the Claimants and the Claimants’ ability to operate Thirsk Services, and other services nationally, in a sustainable and profitable manner. I am fearful that customers, especially commercial customers such as HGV drivers, will refuse to use services operated by the Claimants if they attend Thirsk Services and are forced to deal with trespassers either encamping or attempting to steal fuel once again. Notably, the “Snap Access and Security network” is being rolled out nationwide – whereby commercial road users (such as HGV drivers) will pay for their petrol through company accounts as opposed to paying individually like standard road users. There is a real risk that if Thirsk Services becomes known as a location subject to various trespasses, and criminal acts, then HGV drivers, and their companies, will refuse to use not only Thirsk Services but the Claimants’ services nationally. The Defendants’ trespasses pose an existential risk to the profitability, and continuance, of not only Thirsk Services but of the Claimants as going concerns; and
- 25.2.4 If HGV drivers are unable to use Thirsk Services (or indeed other services of the Claimants’ nationally), they may well be forced to use services without specialist facilities. This would be detrimental to the health and safety of HGV drivers and to all other road users; it is imperative, and a public good, that HGV drivers are provided with facilities which meet driver welfare standards so that they can undertake long haul drives safely.
26. The Claimants consider that there is an imminent and real threat of further attempts to trespass at Thirsk Services and as such the Claimants consider that they have no other option but to apply for a final injunction to maintain the safety and security of the property, those who work at the property, the users of the property and road users at large. As detailed above, the Claimants took various steps at significant cost to try and stop the acts of trespass without the need for legal action, but trespasses continued to occur. To date,

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the only thing that has effectively prevented trespass and the associated activities detailed in the evidence filed in support of the claim is the Interim Injunction; I am very worried that without an injunction in place, the incidents of trespass will resume and continue unabated.

#### **STATEMENT OF TRUTH**

**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:**  Signed by:  
BEF5C9AAEB114FD...

**DAVID ABLOTT**

**Date:** 19/12/2024

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CLAIM NO:

IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN LEEDS  
PROPERTY, TRUSTS AND PROBATE LIST (ChD)

BETWEEN

- (1) MOTOR FUEL LIMITED
- (2) PEREGRINE RETAIL LIMITED

Claimants

-and-

- (1) PERSONS UNKNOWN WHO FOR RESIDENTIAL PURPOSES (TEMPORARY OR OTHERWISE) ENTER OCCUPY OR SET UP ENCAMPMENT ON THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITHOUT THE CONSENT OF THE CLAIMANTS
- (2) PERSONS UNKNOWN WHO ENTER THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITH THE INTENTION OF SYPHONING FUEL FROM THE CLAIMANTS' FILLING PUMPS AND/OR A VEHICLE OR RECEPTACLE THAT DOES NOT BELONG TO THAT INDIVIDUAL AND WITHOUT THE CONSENT OF THE OWNER OF THAT VEHICLE OR RECEPTACLE

Defendants

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THIRD WITNESS STATEMENT OF DAVID ABLOTT