

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

CLAIM NO: PT-2024-LDS-000022



BEFORE: HHJ Jackson (sitting as a Judge of the High Court)
ON: 10 January 2025

PT-2024-LDS-000022

B E T W E E N : -

- (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

ORDER

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 (the "**Summary Judgment Application**").

AND UPON considering the third witness statement of David Ablott dated 19 December 2024, and all of the documents contained in the Hearing Bundle filed on 8 January 2025.

AND UPON considering the witness statements of Claire James dated 2 January 2025 and 9 January 2025, the witness statements of Mick Cain dated 23 December 2024 and 8 January 2025, and the certificates of service dated 2 January 2025 and 9 January 2025.

AND UPON the Court being satisfied that the Summary Judgment Application was served on the Defendants at least 14 days before the hearing in accordance with CPR r. 24.4(5), and that no evidence has been filed or served in opposition pursuant to CPR r. 24.5(3)(a).

AND UPON the Court noting the contents of an email from Leeds Gypsy and Traveller Exchange ("**Leeds GATE**") dated 8 January 2024 confirming: (a) that Leeds GATE was not representing Persons Unknown; and (b) that they wished to be removed from the list.

AND UPON hearing Counsel for the Claimants and there being no attendance by or on behalf of the Defendants.

IT IS ORDERED THAT:

EXTENSION OF TIME

1. Pursuant to CPR r. 3.1(2)(a), the Court retrospectively extends the time for service of the Hearing Bundle until 11.30am on 8 January 2025.

SUMMARY JUDGMENT

2. Pursuant to CPR r. 24.4(1)(a), the Claimants have permission to apply for summary judgment against the Defendants.

3. Pursuant to CPR r. 24.3, summary judgment is granted against the Defendants on the whole of the claim.

DISCHARGE OF INTERIM INJUNCTION ORDER

4. 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

5. 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.
6. 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

7. 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.

8. Any person applying to vary or discharge this Final Injunction Order must provide their full name, address and address for service.
9. The Claimants have liberty to apply to vary this Final Injunction Order.

REVIEW HEARING

10. 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.
11. 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.
12. 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 OF FINAL INJUNCTION ORDER

13. Pursuant to CPR r. 6.15, 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 warning notice of approximately A1 size advertising the existence of this Final Injunction Order:
 - i. On the access road owned by the First Claimant (having exited from the A19/A170) on the approach to, but before one reaches, the Land.
 - ii. On the edge of the Land (whether within or outside) adjacent to the Costa coffee shop and associated parking.
 - 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.

14. In relation to paragraph 13 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.

SERVICE OF FURTHER DOCUMENTS

15. Pursuant to CPR r. 6.15 and 6.27, service of any further documents (including any evidence which the Claimants wish to rely upon at any review hearing) shall be effected on the Defendants by the Claimants carrying out each of the following steps:
- a. Fixing a copy of the document 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. Uploading the document to the following website:
<https://www.motorfuelgroup.com>.

c. Sending a link to the above website by email to the email addresses listed in Schedule 2 to this Order.

16. In relation to paragraph 15 above: -

- a. the steps identified shall stand as good and sufficient service on the Defendants; 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.

17. For the avoidance of doubt, the steps identified at paragraph 15 above shall apply to the service of any further documents upon the Defendants in these proceedings, rather than the steps identified at paragraphs 8 and 9 of the Interim Injunction Order.

FURTHER DIRECTIONS

18. Liberty to apply.

SERVICE OF THE ORDER:

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

Pinsent Masons LLP

55 Colmore Row

Birmingham

B3 2FG

Reference: AF02/MO0147.07467CM80

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COMMUNICATIONS WITH THE CLAIMANTS

The Claimants' solicitors and their contact details are:

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Dated: 10 January 2025

SCHEDULE 1 - PLAN



SCHEDULE 2 – EMAIL ADDRESSES

Group / Individual	Email contact (where available)	Social Media account
York Travellers Trust	info@ytt.org.uk	https://www.facebook.com/YorkTravellers/
The Traveller Movement	(General Enquiry) info@travellermovement.org.uk (Media Enquiries) policymanager@travellermovement.org.uk	https://www.facebook.com/travellermovement/
Friends, Families and Travellers	fft@gypsy-traveller.org (Press Enquiries): sami@gypsy-traveller.org	https://www.facebook.com/FriendsFamiliesandTravellers
The North Yorkshire Council	infogov@northyorks.gov.uk and contactus@northyorks.gov.uk	