



Claim Number:

PT-2021-MAN-000132

**BUSINESS AND PROPERTY COURTS IN MANCHESTER**

**BETWEEN:**

- (1) IAN JAMES HAPGOOD AND PATRICIA MARGARET WILLIAMS AND TRUSTEES OF THE A HAPGOOD RETIREMENT BENEFIT SCHEME AND ALFA TRUSTEES LIMITED**
- (2) ABSENCE PROTECTION LIMITED**
- (3) AGM PRODUCTS LTD**
- (4) ALPHABOND TECHNOLOGIES LTD**
- (5) APL HEALTH LTD (T/A SMART CLINIC)**
- (6) AVIAN VETERINARY SERVICES LTD**
- (7) BARCLAYS EXECUTION SERVICES LIMITED**
- (8) BUTCHER & BARLOW LLP**
- (9) CAFE ARABICA**
- (10) CLOSE ASSET MANAGEMENT LTD**
- (11) CONCEPT ENVIRONMENTAL SOLUTIONS LTD**
- (12) CONCISE TECHNOLOGIES LTD**
- (13) EUROCAMP LTD**
- (14) FIFIELD GLYN LTD**
- (15) FMG REPAIR SERVICES LTD**
- (16) FRANK ROBERTS AND SONS LTD**
- (17) GENIUS WEALTH MANAGEMENT LIMITED**
- (18) GLANBIA CHEESE LIMITED**
- (19) H & M DISINFECTION SYSTEMS LTD**
- (20) HOME INSTEAD SENIOR CARE LTD**
- (21) JOHNSONS 1871 LTD**
- (22) KELMAR SOFTWARE PROPERTIES LTD**
- (23) KELMAR SOFTWARE SOLUTIONS LTD**

- (23) KELMAR SOFTWARE SOLUTIONS LTD
- (24) LONG O DONNELL ASSOCIATES LIMITED
- (25) M I S COMPUTER SERVICES LTD
- (26) MPLOY SOLUTIONS LIMITED
- (27) MPLOY YOUTH LIMITED
- (28) NPORS LTD
- (29) OSBOS LTD
- (30) OTB ENGINEERING LTD
- (31) PETRO STRAT LTD
- (32) PRINCIPIA LAW LTD
- (33) PRO-CLEAN CLEANING SOLUTIONS LIMITED
- (34) QUADRIGA CONTRACTS LTD
- (35) RENTON PROPERTY HOLDINGS LTD
- (36) RSB ENERGY LIMITED
- (37) SAME DAY PLC
- (38) SERVELEC YOUTH SERVICES LIMITED
- (39) THE ACCESS BANK UK LTD
- (40) THE HEALTHFUL GROUP LIMITED
- (41) THEHUT.COM LTD
- (42) THE WILLOWS VETINARY GROUP
- (43) TIMBERWISE (UK) LIMITED
- (44) TURNKEY INSTRUMENTS LTD
- (45) WEAVER VALE HOUSING TRUST
- (46) WESLEYAN BANK LIMITED
- (47) WHITTINGHAM RIDDELL LLP
- (48) YES FINANCIAL SERVICES LTD

Claimants

-and-

PERSONS UNKNOWN

Defendant

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PARTICULARS OF CLAIM

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**THE CLAIMANTS**

1. The Claimants are the individual freeholders or leaseholders or tenants and are respectively lawfully entitled to possession of various commercial premises collectively known as Gadbrook Park, Rudheath, Northwich CW9 7RB and registered at HM Land Registry with freehold title numbers CH356524, CH367850, CH386649, CH221912, CH228888, CH233873, CH241898, CH308867, CH309211, CH351931, CH376389 and CH377353 (“the Estate”).
2. A full list of the Claimants and their respective premises and their individual titles, as applicable, (“the Claimants’ Premises”) that form the constituent parts of the Estate is set out in the attached schedule (“the Schedule”). The Schedule also describes the extent of the premises demised to each of the Claimants.

**THE ESTATE**

3. The Estate consists of office premises, shop/café premises, car parking (“Car Parking”), private estate service roads (“Estate Roads”) and open and unbuilt upon land (“Land”). The Estate is approximately 100 acres in area and is served by a single access from the A556 dual carriageway.

4. There are approximately seventy commercial tenants in all that occupy the Estate. The units occupied by the Claimants are edged red on the plans attached to the Schedule.
5. Broadly speaking the Car Parking consists of demised allocated car parking and/or allocated car parking and/or a right to use unallocated 'first come first served' car parking on the Estate and/or the Estate Roads.
6. Where the Car Parking forms part of the premises demised to one of the Claimants it is hatched green on the plans attached to the Schedule.
7. The Land and the unallocated car parking and the Estate Roads are crosshatched blue on the plan marked "Estate Plan" attached hereon.
8. The Claimants use the Estate for various commercial purposes including, but not limited to, a café, offices and other commercial uses.
9. The Estate does not include any residential property.

## **THE DEFENDANTS**

10. The Claimants aver that the Defendants are members of the Travelling Community and other persons, whose names and identities are unknown to them ("**Persons Unknown**").

## **THE PRESENT MATTER**

11. Since in or around February 2020, the Persons Unknown have on at least sixteen separate occasions entered and remained upon the Estate, without any permission or lawful excuse ("**the Trespasses**").
12. The Trespasses have commonly consisted of various and numerous caravans, cars and commercial vehicles, which have formed numerous unauthorised encampments on the Car Parks and occasionally on the Land and/or the Estate Roads and have lasted from one to

several days on each occasion. The most recent Trespass commenced on 23 April 2021 and lasted for six days.

13. During the course of the Trespasses, the Persons Unknown have blocked various parts of the Car Parks and Estate Roads, thereby causing a nuisance, annoyance and disturbance to the Claimants, their visitors, agents, licensees and guests.
14. Despite repeated requests by the Claimants' Agent, Hugh Shields and others, the Persons Unknown have refused to cease the Trespasses and leave the Estate when asked to do so.
15. In the premises, the Claimants most affected by the Trespasses have been forced to engage bailiffs to cease the Trespasses. Nonetheless, the Person Unknown have repeated returned to the Estate and repeated the Trespasses.
16. By reason of the above, the Claimants have incurred loss and damage.
17. Given the history of the matter, the Claimants aver that the Persons Unknown threaten or intend to repeat the Trespasses unless restrained by the Court.

AND THE Claimants claim:

1. A declaration that the Defendant is not entitled to enter or remain on the Estate.
2. An injunction restraining the Defendant or anyone authorised by the Defendant from entering or remaining on the Business Park.
3. An order for interest on the damages pursuant to section 69 of the County Courts Act 1984.
4. Costs.


PHILIP BYRNE

#### **Statement of truth**

The Claimants believe that the facts stated in these particulars of claim 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. I am duly authorised by the Claimant to sign this statement.

Full name.....ALEXANDER GEORGE SANDU

Position or office held.....PARTNER.....

Signed.....

(If signing on behalf of firm, company or corporation)

Butcher & Barlow LLP  
Solicitors & Notaries  
3 Royal Mews  
Gadbrook Park  
Northwich Cheshire CW9 7UD