

Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

For Court use only	
Appeal Court Ref. No.	2021/1017
Date filed	07th June 2021

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.



Section 1 Details of the claim or case you are appealing against

Claim or Case no.

QB-2019-000616

Fee Account no.
(if applicable)

PBA0087028

Help with Fees -
Ref no. (if applicable)

HWF- - - - -

Name(s) of the

☒ Claimant(s) ☐ Applicant(s) ☐ Petitioner(s)

Nuneaton & Bedworth Borough Council

Name(s) of the

☒ Defendant(s) ☐ Respondent(s)

(1) Thomas Corcoran, (2)-(53) Other Named Defendants (54) Persons Unknown

Details of the party appealing ('The Appellant')

Name

Nuneaton & Bedworth Borough Council

Address (including postcode)

Town Hall
Coton Road
Nuneaton
CV11 5AA

Tel No. 024 76376233

Fax

E-mail Philip.Richardson@nuneatonandbedworth.gov.

Details of the Respondent to the appeal

Name

Thomas Corcoran and other Named Defendants and Persons Unknown

Address (including postcode)

Mr Thomas Corcoran
7 Sandiacre
Long Green
Cressing, Baintree
Essex CM778DL

Tel No.

Fax

E-mail

Details of additional parties (if any) are attached

☒ Yes ☐ No

Section 2 Details of the appeal

From which court is the appeal being brought?

☐ The County Court at

☐ The Family Court at

☒ High Court

☒ Queen's Bench Division

☐ Chancery Division

☐ Family Division

☐ Other (please specify)

What is the name of the Judge whose decision you want to appeal?

Mr Justice Nicklin

What is the status of the Judge whose decision you want to appeal?

☐ District Judge or Deputy

☐ Circuit Judge or Recorder

☐ Tribunal Judge

☐ Master or Deputy

☒ High Court Judge or Deputy

☐ Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

24 May 2021

Is the decision you wish to appeal a previous appeal decision?

☐ Yes

☒ No

Section 3 Legal representation

Are you legally represented?

☒ Yes ☐ No

If Yes, is your legal representative (please tick as appropriate)

- ☒ a solicitor
- ☐ direct access counsel instructed to conduct litigation on your behalf
- ☐ direct access counsel instructed to represent you at hearings only

Name of your legal representative

Sharpe Pritchard LLP

The address (including postcode) of your legal representative

Elm Yard
10-16 Elm Street
London WC1V 6HG

Tel No. 020 7405 4600 / 07799 900961

Fax 020 7242 2210

E-mail wrose@sharpepritchard.co.uk

DX

Ref. WMHR/170.19

Are you, the Appellant, in receipt of a
Civil Legal Aid Certificate?

☐ Yes ☒ No

Is the respondent legally represented?

☒ Yes ☐ No

If 'Yes', please give details of the
respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

The Community Law Partnership
4th Floor, Ruskin Chambers
191 Corporation Street
Birmingham B4 6RP

Tel No. 0121 685 8595

Fax 0121 236 5121

E-mail chrisjohnson@communitylawpartnership.co.uk

DX

Ref. Chris Johnson, Partner

Section 4 Permission to appeal

Do you need permission to appeal?

☒ Yes ☐ No

Has permission to appeal been granted?

☐ **Yes** (Complete Box A)

☒ **No** (Complete Box B)

Box A

Date of order granting permission

Name of Judge granting permission

Box B

I

the Appellant('s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

☐ Yes ☒ No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

UPON THE COURT having handed down judgment on 12 May 2021 ([2021] EWHC 1201 (QB))

IT IS ORDERED that:-

1. The power of arrest contained in the interim injunction dated 19 March 2019 ("the
2. The Claimants must
 - a. by 4.30pm on Monday 7 June 2020, remove every copy of the Injunction Order that has been posted or displayed by the Claimants; and
 - b. by 4.30pm on Tuesday 1 June 2020, place a notice on each Claimant's
3. By 4.30pm on Monday 14 June 2021, the Claimants must file a witness statement confirming compliance with Paragraph 2 of this Order.
4. Of its own motion, the Court will consider whether to discharge the Injunction Order on the grounds that, having been granted an interim injunction, the failure by the Claimants to progress the claim to a final hearing is an abuse of process ("the Abuse of Process Application").
5. By 4.30pm on 5 July 2021, the Claimants must issue, file and serve any Application Notice together with evidence in support seeking to add any named defendants to the Claim.
6. The Abuse of Process Application will be heard on 14 July 2021 with a time estimate of ½ day.
7. The Claimants must file and serve any further evidence upon which it wishes to rely in relation to the Abuse of Process Application by 4.30pm on 5 July 2021.
8. The Claimants must serve a copy of this Order upon the 1st to 53rd Defendants.
9. No order as to costs.

Have you lodged this notice with the court in time?

(There are different types of appeal - see Guidance Notes N161A)

☒ Yes ☐ No

If '**No**' you must also complete
Part B of Section 10 and Section 11

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

☒ I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

- ☐ I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ are set out **on a separate sheet** and attached to this notice.

OR (in the case of appeals other than to the Court of Appeal)

- ☒ I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ will follow within 14 days of filing this Appellant’s Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim ☐ Yes ☒ No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- ☒ set aside the order which I am appealing
- ☐ vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

- ☐ order a new trial

Section 10 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- ☐ I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

- ☐ I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

Part C

- ☒ I apply for an order that:

1. That the appeal be expedited and listed in October/November 2021, as the applicaiton of the injunction Order to Persons Unknown is important to ensure the injunction is effective in preventing further unlawful activity that causes serious harm. Further submissions on the need for expedition are set in a document attached to the Appellant's Notice.
2. The proceedings in the High Court be stayed, pending determination of the appeal.

(You must set out in Section 11 your reasons and your evidence in support of your application.)

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

See letter re. expedition. A witness statement will follow.

Statement of Truth

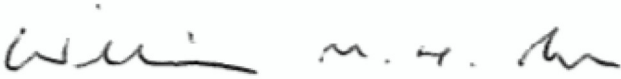
This must be completed in support of the evidence in Section 11

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 **believe** that the facts stated in section 11 are true.

☒ **The Applicant believes** that the facts stated in section 11 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

7

Month

June

Year

2021

Full name

William Maxwell Hunt Rose

Name of applicant's legal representative's firm

Sharpe Pritchard LLP

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

Partner

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

In the County Court or High Court:

- ☐ three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- ☐ one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- ☐ one copy of the sealed (stamped by the court) order being appealed;
- ☐ a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- ☐ a copy of the Civil Legal Aid Agency Certificate (if legally represented).

In the Court of Appeal:

- ☒ three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- ☐ one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- ☒ one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- ☐ a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- ☐ one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- ☐ where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- ☐ in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- ☐ one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- ☒ a copy of the approved transcript of judgment; and
- ☐ a copy of the Civil Legal Aid Certificate (if applicable)
- ☐ where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied
Skeleton Argument - to be supplied on 14 June 2021 as directed in the email from the Civil Appeals Office dated 27 May 2021 (sent on the instruction of the Master of the Rolls)	14 June 2021
Witness Statement explaining the importance of section 187B and section 222 to follow, as the statement will be relevant to 8 local authorities bringing the same appeal, and there has been insufficient time to prepare and agree the witness statement	14 June 2021
The Appellant is only proposing to serve the Interveners: (1) London Gypsies and Travellers; (2) Friends, families and Travellers; and (3) National Federation of Gypsy Liaison Groups. Nicklin J's hearing did not require the attendance of the other Defendants/Respondents, as the matter concerned	
the issues of principles concerning injunction orders binding newcomers.	

Section 13 The notice of appeal must be signed here

Signed



Appellant('s legal representative)

Find out how HM Courts and Tribunals Service
uses personal information you give when you fill
in a form.

[https://www.gov.uk/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)

OWEN MAUGHAN

List of Defendants and Interveners

- (1) THOMAS CORCORAN, [REDACTED]
- (2) JESSICA DODD, [REDACTED]
- (3) MICHAEL DOYLE, [REDACTED]
- (4) LUKE DELANEY, [REDACTED]
- (5) PATRICK McGINLEY, [REDACTED]
- (6) ALPHONSUS McGINLEY, [REDACTED]
- (7) MICHAEL STOKES, [REDACTED]
- (8) MICHAEL STOKES, [REDACTED]
[REDACTED]
- (9) DENNIS STOKES [REDACTED]
- (10) DENNIS STOKES (JNR), [REDACTED]
- (11) BRIAN STOKES, [REDACTED]
- (12) JOHN MAUGHAN, [REDACTED]
- (13) TERRY MAUGHAN, [REDACTED]
- (14) TERRY MAUGHAN, [REDACTED]
- (15) PATRICK MAUGHAN, [REDACTED]
- (16) OWEN MAUGHAN, [REDACTED]
- (17) OWEN MAUGHAN, [REDACTED]
- (18) BERNARD CORCORAN, [REDACTED]
- (19) FRANCIS CORCORAN, [REDACTED]
- (20) FRANCIS MAUGHAN, [REDACTED]
- (21) MARTIN MAUGHAN, [REDACTED]
- (22) THOMAS MAUGHAN, [REDACTED]
- (23) JOHN MONGAN, [REDACTED]
- (24) MARTIN MONGAN, [REDACTED]
- (25) MARTIN MONGAN, [REDACTED]
- (26) LEONARD MONGAN, [REDACTED]
[REDACTED]
- (27) PAUL McDONAUGH, [REDACTED]
- (28) SIMON McDONAUGH, [REDACTED]
- (29) BERNARD McDONAUGH, [REDACTED]
- (30) JOHN McDONAUGH, [REDACTED]
- (31) MIKE McDONAUGH, [REDACTED]
- (32) MARTIN McDONAUGH, [REDACTED]
- (33) AARON McDONAUGH [REDACTED]
- (34) KATHLEEN McDONAUGH, [REDACTED]
- (35) WINNIE McDONAUGH, [REDACTED]

- (36) MARTIN WARD, [REDACTED]
- (37) PAT WARD, [REDACTED]
- (38) MICHAEL WARD, [REDACTED]
- (39) KATHLEEN WARD, [REDACTED]
- (40) ROSELEEN WARD, [REDACTED]
- (41) BERNIE SWEENEY, [REDACTED]
- (42) JOHN CONNORS, [REDACTED]
- (43) TRACEY BROWN, [REDACTED]
- (44) WILLIAM BRIDGES, [REDACTED]
- (45) TOM WARD, [REDACTED]
- (46) EDDIE McDONAUGH, [REDACTED]
- (47) EDDIE (AKA EDWARD) WARD, [REDACTED]
- (48) CHRISTOPHER McDONAUGH, [REDACTED]
- (49) WILLIAM DOHERTY, [REDACTED]
- (50) GERRY O'BRIEN, [REDACTED]
- (51) ELIZABETH O'BRIEN, [REDACTED]
- (52) PEARL BLAINLEY, [REDACTED]
- (53) FIONA WARD, [REDACTED]
- (54) PERSONS UNKNOWN

Interveners

- (1) London Gypsies and Travellers, Mildmay Community Centre, Woodville Road, London N16 8NA
- (2) Friends, Families and Travellers, Community Base, 113 Queens Road, Brighton, East Sussex, BN1 3XG
- (3) National Federation of Gypsy Liaison Groups, 1-3 Ladygrove Mill, Lady Grove Road, Two Dales, Matlock, Derbyshire, DE4 2FG