

**Case Name:** *East Hertfordshire County Council v Mahoney & Ors* [2020] EWHC 2768 (QB) (14 September 2020)

**Full case:** [Click Here](#)

**Commentary:**

The High Court upheld the Council's application for an injunction to prevent works on the Defendant's caravan site. The injunction extended to works connecting the plots on the site to mains water, despite the Defendant's arguments that these works should be allowed "as a matter of common humanity".

On 4 February 2020, the Defendants, who are travellers, were granted planning permission on appeal to the Inspectorate for change of use of their land to ten mobile home and caravan plots. One condition to the permission was that it would lapse unless an application for a Site Development Scheme was submitted and approved.

The Defendants made an application for a Site Development Scheme, but commenced work within the scope of the scheme before the application was approved. They also commenced work outside of the Site Development Scheme by drilling boreholes and laying water pipes to connect the plots to mains water (for which further permission would be required, unless undertaken by a statutory undertaker).

The Defendants did not present evidence to the contrary, and agreed to cease the works within the scope of the Site Development Scheme. However, they did submit that the injunction should not prevent the continuation of the works connecting the mains water. They highlighted the Council's disagreement as to the use of the land as a caravan site, pointing to the fact that the Council was in the process of appealing the Inspector's grant of permission. The Defendants argued this context should be borne in mind when considering the extent of the injunction.

Swift J acknowledged the significance of access to mains water, as well as the Council's disagreement as to use. Nevertheless, Swift J refused to make an exception for the pipe works. He stated that access to water from the borehole would be sufficient, and relied on the fact that the occupiers had been managing to live on the site for some months in this way. In coming to this conclusion, he "place[d] significant weight on the importance of development work being undertaken in accordance with proper authority".

The judgment endorses a rigid approach to the planning system, refusing to make exceptions based on social considerations .

*Case summary prepared by Jed Holloway*