



Neutral Citation Number: [2019] EWHC 1937 (Ch)

Case No: PT-2019-000366

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION

Royal Courts of Justice
Fetter Lane, London, EC4A 1NL

Date: 23/07/2019

Before:

MRS JUSTICE FALK

Between:

RGCM LIMITED
- and -

Claimant

(1) ADAM LOCKWOOD

**(2) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT
OF THE CLAIMANT OR ANY OTHER
LAWFUL AUTHORITY ON THE LAND
AND BUILDINGS KNOWN AS SYMONS
HOUSE, BELGRAVE STREET, LEEDS
LS2 8DD**

**(3) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT
OF THE CLAIMANT OR ANY OTHER
LAWFUL AUTHORITY ON THE LAND
AND BUILDINGS KNOWN AS PODIUM
BUILDINGS, MERRON WAY, LEEDS
LS2 8PD**

**(4) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT
OF THE CLAIMANT OR ANY OTHER
LAWFUL AUTHORITY ON THE LAND
AND BUILDINGS KNOWN AS HUME
HOUSE, TOWER HOUSE STREET, LEEDS
LS2 8NT**

Defendants

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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MRS JUSTICE FALK

MRS JUSTICE FALK:

1. I am today granting summary judgment to the Claimant in this action, and making a final order for an injunction prohibiting the Defendants from entering or attempting to enter three sites in Leeds without the express consent of the Claimant, namely Symons House, Belgrave Street, LS2 8DD (“Symons House”), Hume House, Tower House Street, LS2 8NT (“Hume House”), and Podium Buildings, Merrion Way, LS2 8PD (“Podium Buildings”). The injunctions will continue until 30 November 2019 in respect of Symons House, 30 November 2020 in the case of Podium Buildings, and 30 September 2021 in the case of Hume House, or in each case until any earlier date on which the Claimant gives up possession of the site.
2. At the request of the Claimant I have dealt with the application for summary judgment without a hearing. I concluded that this was appropriate (pursuant to CPR 23.8(c)) but that I should, in the interests of open justice, give a brief public judgment.
3. The case relates to repeated trespasses by so-called “urban explorers” on three building sites in the possession of the Claimant, a construction company. One of these is the First Defendant who, according to information from his social media accounts, trespasses on property in order to climb the exterior of tall buildings and cranes without safety equipment, and post photographs and video recordings on social media platforms.
4. All three sites are being developed as high-rise buildings intended for use as student accommodation. The only Defendant who has been identified is the First Defendant. I granted an interim injunction on an *ex parte* basis on 16 May, which was continued by Mr Justice Arnold at the return date on 4 June 2019. No Defendant appeared at the return date and no application has been made to vary or discharge Arnold J’s order, which was served on the Defendants in accordance with its terms, including by affixing a copy of it to prominent places around the three sites. My order for summary judgment continues the injunction granted by Arnold J on similar terms.
5. It was brought to the attention of the court at the return date that the First Defendant was still a child until 7 June 2019. Arnold J made orders pursuant to CPR 21.2(3) and 21.3(4) to the effect that notwithstanding that fact the First Defendant was permitted to conduct the proceedings, and that all steps taken in the proceedings should have effect against him.
6. I am satisfied that it is appropriate to grant permission under CPR 24.4(1)(i) to make an application for summary judgment, and to grant summary judgment under CPR 24.2 on the basis that there is no real prospect of the action being successfully defended and no other compelling reason why it should be disposed of at a trial. The Claimant has provided a significant amount of evidence about trespasses at the sites, despite measures taken to deter trespassers, and the safety issues raised. The Defendants have no defence to trespass and have not engaged in the proceedings. The order will not apply to any person entering the site with the consent of the Claimant or with lawful authority.
7. I also consider that it is appropriate to grant summary judgment without a further hearing. An additional hearing would in my view simply incur expense without serving any useful purpose. In reaching that conclusion I have taken account of the fact that there was a hearing in public, and on notice, before Arnold J.

8. In reaching my decision to grant an interim injunction at the first hearing on 16 May, I considered the requirements for a *quia timet* injunction, namely that there must be proof of imminent danger, in the sense of a strong probability that, unless restrained by injunction, the defendant would act in breach of the claimant's rights, and that any harm would be so significant that an award of damages would not be adequate: see for example *Vastint Leeds BV v Persons unknown* [2019] 4 WLR 2 at [31]. I have no doubt that these tests remain satisfied. I also considered the concerns raised by Marcus Smith J in that case at [41] about the precise form of the order and its potential impact on police officers and other public authorities entering the property. I consider that these concerns are adequately dealt with by the form of the order granted in this case, containing an exclusion for those acting with lawful authority.