Neutral Citation Number: [2026] EWHC 954 (KB)

Case No: QB-2017-06395

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
CIVIL

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 23/04/2026

Before :

MR JUSTICE COTTER

- -

Between :

London Borough of Southwark	**Claimant**
- and -	
Trevor Hadjimina	**Defendant**

- -
- -

Alex Williams (instructed by **London Borough of Southwark Legal Services**) for the **Claimant**

The Defendant not attending

Hearing dates: 23 April 2026

- -

Approved Judgment

Mr Justice Cotter :

Introduction

1. By an application dated 27th October 2025 the Claimant applied to commit the Defendant, Trevor Hadjimina, (or as he prefers to be known "Trevor of the family Hadjimina or "Trevor"; I shall use the later) for contempt of court in respect of a breach of an injunction order made on 16 March 2018 by His Honour Judge Bird under section 187B of the Town and Country Planning Act ("the Injunction order").

2. The order prohibited the carrying out of unauthorised operational development at 19 Relf Road, Peckham, London, SE15 4JS a house owned by Trevor.

3. The application alleged that Trevor had undertaken substantial development at the property in clear breach of the order.

4. At a hearing on 6th March 2026, I found that the two allegations of contempt had been proved. It is not necessary for me to repeat my judgment in great detail but I will set out an outline in due course. Before and at the hearing Trevor advanced a position, although not expressly describing it as such, that he was a "Freeman of the Land" and he refused to accept that he was bound by the injunction order or indeed that the Court had any power over him.

5. On 16th March the Claimant made an application ("the enforcement application") for an order that it be entitled to enter onto 10 Relf Road and carry out such works as are required to safely remove and make good all and any structures that had been erected in breach of the Injunction Order.

6. The matter came back before me on 19th March 2026 for sentence and determination of the Claimant's enforcement application.

7. On the 19th March 2026 Trevor, after a protracted exchange, appeared to accept the futility of relying on arguments arising out of the theories relating to being a Freeman on the Land and indicated a willingness to remove the structures erected in breach of the order himself and the hearing was adjourned to the 1st May to enable the parties to meet on site at Relf Road to discuss and agree a plan for the necessary works. The meeting was scheduled for the 26th March 2026.

8. On 26th March 2026 Trevor produced a letter indicating that the Claimant had to agree to pay him compensation for taking down the structures erected in breach of the order. The letter contained further meaningless assertions/comments and references to the Magna Carta which appear to be in line Freeman of the Land theories. Trevor made no constructive proposals at the meeting.

9. By a letter of 28th March 2026 the Claimant sought an order that the sentencing hearing be brought forward as Trevor appeared to have returned to reliance on his Freeman of the Land arguments. By a further letter dated 10th April 2026 the Claimant alleged that Trevor had recommenced his unlawful building works and was adding to the development at pace.

10. By an Order made on 15th April I brought forward the hearing forward to 23rd April 2026.

Factual Background

11. I shall give a brief overview of the facts.

12. Trevor has owned 19 Relf Road, since 1991. It is a two storey end-terrace dwelling.

13. To its lawful extent, and viewing the property from its side elevation, it consists of a house, then a 2-storey extension to the house, then a further single-storey extension to the rear:

14. There is an extensive history of Trevor seeking to develop on top of the single storey structure to the rear of the building. In total from 2004 onwards, and in addition to the order made by HHJ Bird, he has been served with five enforcement notices, two temporary stop notices and section 215 notices as regards maintenance. In 2012 the Claimant took direct action and removed three courses of brickwork at the property.

15. By 6th June 2017, Trevor had begun to build on top of the single-storey rear extension. The Claimant applied for an injunction on 17th August 2017 under section 187B of the Town and Country Planning Act 1990. He had erected a timber frame structure with a Perspex cover on top of the single storey extension and laid four courses of brickwork.

16. On 16 March 2018, after a hearing within which Trevor accepted that he had no planning permission but claimed that the wooden structure was not a building but a caravan, an argument which was rejected by His Honour Judge Bird, the Court issued the Injunction order which ordered that Trevor shall:

> *"1. Cease all work and shall not undertake further any further works amounting to operational development on land known as 19 Relf Road, Peckham, London SE15 4JS shown edged red on the attached plan ("the Site") including in particular any works to raise the roof or walls of the ground floor rear extension above the height of 3.3m except pursuant to a valid certificate of lawful development or pursuant to an express grant of planning permission granted in respect of any development.*
>
> *2. Remove from the roof of the ground floor rear extension on the Site the timber frame structure, all associated materials and rubbish leaving the roof completely clear.*
>
> *3. Remove four courses of brickwork from all four parapet walls at the top of the ground flood rear extension on the Site so that the height of the extension does not exceed 3.3m above ground level.*
>
> *4. Complete steps (1) to (3) above within 2 months of the date of this Order."*

11. Trevor was personally served with the Injunction order on 21 March 2018 and initially complied with its terms. By the 1st June 2018 he had removed the timber

frame structure and the four course of brickwork had been removed; so the height of the extension did not exceed 3.3 metres.

12. For somewhere in the region of seven years Trevor continued to comply with the clear terms of the order.

13. In April 2025, the Claimant was informed by a neighbour to No 19 that Trevor had restarted construction work to the roof of the single-storey rear extension.

14. Photographs from the Claimant's site visit on 22 April 2025 showed a large timber-framed structure in the course of construction. It was of similar nature to the previous structure erected before the Injunction order.

15. After a site visit on the 22nd April the Claimant emailed the Trevor but received the following incomprehensible reply:

> *"[Return to sender]* x *Non-commercial property.*
> x *Returned for cause without dishonour in commerce.*
> x *No lawful consent or Contract.*
> x *No legal contract.* x *Offer to contract declined. All rights Reserved."*

16. I shall return to Trevor's refusal to accept the Claimant's powers or duties or the authority of the Court in due course. He appears to have developed his beliefs during the seven year period of compliance.

17. On 29 April 2025 the Claimant issued a Temporary Stop Notice ("TSN"), which required Trevor to cease the construction of the timber-frame structure. The Claimant e-mailed the TSN to Trevor and received the same nonsensical reply.

18. Works to the structure continued to progress. Trevor ignored the stop notice.

19. On 23rd July 2025 the Claimant e-mailed Trevor to inform him that it intended to proceed with a committal application.

20. By 23 September 2025 Trevor had removed the timber-frame structure but had begun to construct a substantial brickwork structure in its place. In witness statements which I have considered for the purposes of this hearing, being relevant to both sentence and the Claimant's further application (the statements have been served on Trevor) a neighbour Mr Rimmer has pointed out that the current structure is dangerous with a risk of falling onto the road or the adjacent garden. Mr James Blythe-Brook, an architect confirms that the structure is unsafe and an eyesore.

21. On 27 October 2025 the Claimant applied to commit Trevor for breaching the Injunction.

22. On 15 November 2025, Trevor wrote to the Claimant's Building Control team in respect of the TSN, making several requests for information. These were mostly irrelevant or nonsensical, including the request for clarification as to whether the TSN is *"intended for the living man"* or *"for TREVOR HADJIMINA the legal fiction"*.

23. By 16th January 2026, the works at the Site had progressed further, to include works to build up the side wall of the 2-storey extension, works to build above the single-storey extension and works to build up the party wall with the adjacent property with blockwork.

24. On 22 January 2026 Trevor wrote to the Claimant's legal services department denying the Court's jurisdiction to issue the Injunction as *"The said order does not have the Judge's wet ink signature and a court seal by the signature"*

25. The Claimant personally served Trevor with the committal application shortly after 2 February 2026

26. On 6 February 2026 Trevor wrote to the Claimant's legal services department the content indicating that he had received the committal application

27. On 13 February 2026 the Claimant's solicitor Mr Wilson wrote to Trevor expressing concern that Trevor did *"not fully appreciate the gravity of the situation, and the imminent threat to your liberty"*, and urged him to seek legal advice and representation and to attend the upcoming hearing on 6 March.

28. On 22nd January 2026 Trevor wrote to the Claimant. It is necessary to set out some of the content of the letter;

> "In reference to the said ORDER dated 16 March 2018, as the principal authority, I revoke consent and require accounting demand proof of claim, I have some additional questions that need to be answered, regarding the requirements that need to be present for a document/order to be legally binding: -
>
> 1. The said order does not have the Judge's wet ink signature and a court seal by the signature.
>
> - Without a wet ink signature there is no liability and said order is not a statutory instrument.
>
> - Without a court seal, this order cannot be considered a court order, please confirm if he said

judge was operating in their private capacity under the colour of law?

2. I hereby request a certified copy of the original formal order to verify its status and ensure it has been properly signed, sealed and filed.

3. Please clarify Southwark councils' interest in this matter, as this does not directly affect Southwark council, am I correct by saying that Southwark are a third-party interloper?

4. We have not been provided with any contracts between any of the parties in this matter, I require full disclosure.

5. We have not been provided with any contracts between Southwark council and myself, for the payment of eighteen thousand pound in this matter, I require full disclosure.

   ……

6. You have not provided or proven jurisdiction subject matter and standing, please do so.

7. ……

8. ……

9. Do you understand and operate under the rights of the people, under the Coronation Oath Act 1688, the Treason Act 1795, the Act of Settlement 1700, the Bill of Rights 1689 That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

10. That a right cannot be changed into a privilege. The council has no authority to convert a right into a licensed privilege that requires fees or permission.

11. Notice to the agent is notice to the principal and notice to all.

12. Please show how I the living man am legally joined to the legal fiction (person/persona).

13. Any attempt to intimidate, threaten or coerce or otherwise force me into contract will be treated as dishonour, fraud and trespass upon my trust estate, if you wish to proceed, do so under your personal liability, if you have a verified sworn claim from a harmed party against me, present it now otherwise you have no lawful grounds to continue.

14. Fraud destroys every action that follows.

15. Something that is void from the beginning cannot become valid by the laps of time nor by subsequent act, "those are the words in various dictionary's that the courts claim to rely upon". (Void ab initio).

29. On 6th February Trevor wrote as follows;

> "With reference to the leaflet dated 2 February 2026, which was not from a legal address, regarding an alleged breach of an injunction, it is not clear to whom this leaflet is intended for, you need to clearly state,
>
> - Is this intended for the Mr, TREVOR HADJIMINA the all-cap legal fiction or
> - trevor hadjimina lower case the living breathing man.
>
> If this is intended for the living breathing man, I wish to state and request that you supply the following: -
>
> 1. As the principal authority, I revoke consent and require accounting demand proof of claim.
> 2. That the court (Royal Courts of Justice, Strand, London WC2A 2LL) its assumption is wrong and it's constructed authority is not valid.
> 3. I do not consent to any application or proceedings.
> 4. I do not recognize its jurisdiction over a living breathing man.
> 5. If the court proceeds, it will be doing so under the colour of the law, and not law itself.
> 6. The rules regarding the judge hearing this matter must abide by Halsbury's administrative Law 2011.
>   a. For a judge to hear this application there must be consent from the living man that the application directed too.
>   b. I the living man have not consented to any application.
>   c. As there is no consent from the living man, the judge cannot hear the application, as the judge would be standing under their Oath.
>   d. There is no authority for administrative courts in this country and no Act can be passed to legitimise them because of the constitutional restraints placed upon her Majesty and now to the King, at her and his coronation and before God."

30. Mr Wilson has produced an affidavit dated 19th February in relation to the service of the order and evidence and the notice of the hearing. The papers were returned with a home made stamp which created content which was in line with other correspondence from Trevor.

31. It is necessary at this stage to consider the beliefs/theories that appear to lie behind Trevor's communications before and during this committal process through to his most recent letter of 26th March 2026

Freeman of the Land and associated beliefs

32. Although I did not, and do not, understand the meaning of some of the assertions made by Trevor in correspondence (and subsequently at the hearings). I recognised them as broadly in line with arguments raised by litigants who consider themselves to be Freemen of the land. I have previously encountered these arguments on a number of occasions during well over twenty years sitting in the County Court and High Court. In essence it is a pseudo-legal belief system claiming that individuals are sovereign and only bound by contracts they explicitly sign and/or laws the expressly content to. They argue that there is a distinction between their physical body ("the living breathing man") and a "legal fiction" created by the government at birth, often represented by capital letters on legal documents. Perhaps unsurprisingly those advancing these arguments are usually Defendants to claims who seek to avoid the jurisdiction of the Court (in my experience it is most commonly advanced in debt/possession cases). There is often use of what look like legal phrases/maxims, but which are either meaningless or used out of their proper context, and references to various statutes, contained within verbiage set out in lengthy documents. Clearly to some the content appears impressive and an answer to the problems a claim against them brings. Sadly the internet provides a wealth of suggestions of words and phrases that it is claimed can, simply by their use, stop a Court in its track and bring any proceedings to an end. The reality is very different. The advice proffered from a range of sources is to advance arguments which have no validity and will not provide the protection promised or hoped for.

33. As I have pointed out many times before I am unaware of any occasion in any claim in any jurisdiction (indeed in any commonwealth jurisdiction) when such arguments have been found to have force. To adopt these arguments is to bury one head in the sand in the face of litigation. I shall return to this issue.

Capacity

34. Mr Williams very properly raised a concern in his skeleton argument for the hearing on 6th March 2026 whether, in light of the correspondence received, the Court should investigate whether Mr Hadjimina had capacity to conduct litigation. It is entirely proper, if not a duty, for a party to raise such a concern with the Court. However capacity is to be assumed unless the contrary is established and, as Mr Williams stated, the Claimant is not aware that Trevor suffers from any ill health condition that could impact upon capacity. The reality is that the only concern is that Trevor has adopted a set of erroneous arguments/beliefs that are advanced/held by a cohort of misguided people. That gives no adequate basis upon which to question or investigate capacity.

The hearing on 6tH March 2026

35. Trevor appeared at the hearing on 6th March 2026. From the outset he fired questions, often repeatedly and mainly in line with the content of his letters and talked over me

when I attempted to respond. On numerous occasions he would not let me finish a sentence before interrupting, at times with hostility. It was obvious that he had no intention of allowing the hearing to proceed in any proper fashion, that he was intentionally disrupting the proceedings such that there was no prospect of them continuing with any dignity or decorum and justice would be prevented. I was also alerted to the possibility that he was recording the proceedings on his phone. I rose to allow the tipstaff to attend. Such a step also gives time for a Judge to reflect on the appropriate course to adopt in light of what has occurred. However when the hearing resumed Trevor continued much in the same vein as before save that he now asserted that I had "abandoned ship" and he was now the highest power in the Court. After clear warnings about his behaviour (to which he was not listening as he was intent on repeating meaningless questions in line with his belief in the Freeman theory) I ordered that he leave Court. When he initially refused to do so I ordered the Tipstaff to remove him. The hearing then continued in his absence. Given Trevor's later submission within an affidavit that my approach was somehow a breach of his rights I shall explain the very well established, fundamental principles that underpinned my decision to do so.

36. In order to maintain the rule of law, upon which freedom depends, Judges have wide power to deal at once with those who interfere with the administration of justice. In **Morris -v-Crown Office** [1970] 2QB 114 when considering immediate custodial sentences imposed on students who disrupted a civil trial, Lord Denning, holding that a judge of the High Court still has power at common law to commit instantly to prison for criminal contempt, stated:

> "In sentencing these young people in this way the judge was exercising a jurisdiction which goes back for centuries. It was well described over 200 years ago by Wilmot J. in an opinion which he prepared but never delivered. "It is a necessary incident," he said, "to every court of justice to fine and imprison for a contempt of the court acted in the face of it."…The phrase "contempt in the face of the court" has a quaint old-fashioned ring about it; but the importance of it is this: of all the places where law and order must be maintained, it is here in these courts. The course of justice must not be deflected or interfered with. Those who strike at it strike at the very foundations of our society. To maintain law and order, the judges have, and must have, power at once to deal with those who offend against it. It is a great power - a power instantly to imprison a person without trial - but it is a necessary power."

37. In the same case Lord Justice Salmond stated

> "Every member of the public has an inalienable right that our courts shall be left free to administer justice without obstruction or interference from whatever quarter it may come. Take away that right and freedom of speech together with all the other freedoms would wither and die, for in the long run it is the courts of justice which are the last bastion of individual liberty."

And

> "The archaic description of these proceedings as "contempt of court" is in my view unfortunate and misleading. It suggests that they are designed to buttress the dignity of the judges and to protect them from insult. Nothing could be further from the truth. No such protection is needed. The sole purpose of proceedings for contempt is to give our courts the power effectively to protect the rights of the public by ensuring that the administration of justice shall not be obstructed or prevented:"

38. In **Jesus Aquarius** [1974] 59CR.App.R.65 the Appellant embarked upon what was described as a calculated attempt to disrupt the proceedings (a criminal trial) Roskill LJ stated that the Appellant;

> "…deliberately set about making his trial as impossible as he could and at one or two points he all but succeeded. When that sort of thing happens, it cannot be tolerated, whatever views a particular person may hold about society or courts, or the right of society or the rights of courts or others in authority to judge others or inflict punishment. So long as there are courts, those courts have to be free to do the job entrusted to them by statute and at common law freely and without interruption. If persons seek to disrupt them and make the trial difficult or indeed impossible, then the Court in the interests of the public and the interests of the free administration of justice—this is nothing whatever to do with the dignity of a particular recorder or a particular judge—has to so act as to make it plain that that sort of conduct will not be tolerated."

39. In the County Cout there is a statutory power to deal with the wilfully interruption of proceedings. Section 118 County Court Act 1984 (formerly section 157 of the County Courts Act, 1959) it is provided that:

> "(1) If any person—
>
> (a) wilfully insults a judge of the county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or
>
> (b) wilfully interrupts the proceedings of the county court or otherwise misbehaves in court; any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit,—

> (i) make an order committing the offender for a specified period not exceeding one month to . . . prison . . .; or
>
> (ii) impose upon the offender, for every offence, a fine of an amount not exceeding [£2, 500**]** or may both make such an order and impose such a fine."

40. Faced with wilful disruption and interruption a Court may consider whether there has been contempt in the face of the Court such that it should take action. As part of that process, or as a lesser step, as acknowledged in Arlidge, Eady and Smith on Contempt at paragraph 10-112;

> "All courts of law have the power to order a person intentionally disrupting and/or hindering proceedings to leave and to have him removed if he fails to leave."

At the hearing on 6th March 2026, I ordered that Mr Trevor leave Court so that the proceedings could continue. An adjournment would not have been a proper step as he would have achieved his purpose in frustrating the committal hearing and justice would have been prevented. I took into account the nature of the contempt proceedings before me and the requirements of CPR 81.6 and decided that it would be disproportionate to go further than that step i.e. to take action by way of further contempt proceedings in relation to Trevor's conduct.

41. I heard evidence and was satisfied to the criminal standard on the evidence that the two allegation of contempt were proved; specifically;

> (a) the wooden structure erected by Trevor was unauthorised works amounting to operational development in breach of the order;
>
> (b) the brick structure erected by Trevor was unauthorised works amounting to operational development in breach of the order.

42. I then adjourned the hearing part heard and made an order including service provisions. The purpose was to allow Trevor to reflect on his position and, if he wished, to gain legal assistance in relation to sentencing.

The 19th March 2026 hearing

43. At the outset of the hearing Trevor was provided with a note about the nature of the hearing and his rights.

Trevor had submitted "an affidavit of Truth" before the hearing. I need not set out the full content much of which repeats or expands upon what he set out in the letters to which I have already referred. However I should address some of the matters raised.

44. Trevor set out what he described as ten maxims of commercial law including statements such as a workman is worthy of his hire, all matters must be expressed to be resolved and sacrifice is a measure of credibility. I do not understand the relevance of these statements (which are of unknown provenance) to the matters before the Court.

45. Trevor stated that there was no evidence that "Southwark Council have shown course in this matter" and no evidence that it could change a right into a privilege and that it was no more than a Third Party interloper. This is wholly incorrect as the Claimant acted under statutory powers provided under the Town and Country Planning Act (and in light of statutory duties in respect of planning breaches). The idea that Trevor can simply chose to "opt out" of the requirements under the Act is hopelessly misconceived. For those who consider themselves Freeman statutes enacted by Parliament provide only a smorgasbord from which they select and agree to be bound. This argument is offensive to the rule of law and democracy within which Trevor choses to live. In our democratic society, all citizens are equal under the law and all are subject to the law. Indeed it is because of the need for compliance with the rule of law that we enjoy freedom from chaos and tyranny.

46. Trevor asserted that there was no evidence that he had received a "verified sworn claim against him". I was and remain satisfied that Trevor was properly served with the original order, the application to commit (which he responded to) and the evidence (including the witness statements).

47. Trevor argued that "There is no evidence of contract". Again this refers to the argument that Trevor has to agree to be bound by the Laws of the Land. It is entirely misconceived.

48. Trevor argued that there is no evidence that all Courts were not dissolved in 2008 under the "Clearfield doctrine". This seems to expand previous arguments by way of a conspiracy theory. It is nonsense.

49. Trevor argued that for an order to be legal it must have a wet ink signature. This argument, with no foundation for it advanced, is plain wrong.

50. Trevor also argues that as I left the Court Room and "he who leaves the field of battle loses my default". Again this statement has no applicability to legal cases. In any event as I have set out I temporarily rose to await the arrival of the Bailiffs. At no stage did I indicate that the hearing had ended.

51. It is said that I did not allow due process. I have explained in detail why Trevor was ordered to leave the hearing given his intention of disrupting it. He had the opportunity to participate and chose not to do so.

The Claimant's application

52. During the hearing there was discussion about the basis for and effect of the order sought by the Claimant to enter onto Trevor's land and remove the unlawful structure that he had erected. The Claimant had previously done so to remedy non-compliance with planning enforcement notices in 2013. I gave Trevor chance to reflect on his position. He then indicated a willingness to remove the unlawfully erected structures himself.

53. As I have already set out, given Trevor's indication and the impact that taking such steps would be likely to have on sentence for contempt I adjourned the hearing to enable the parties to meet on site at Relf Road to discuss and agree a plan for the necessary works. The meeting was scheduled for the 26th March 2026. On that day Trevor produced a letter indicating that the Claimant had to agree to pay him compensation for taking down the structures erected in breach of the order and containing further meaningless assertions/comments and references to the Magna Carta which again appear to be in line Freeman of the Land theories.

Hearing on 23rd April 2024

54. Trevor failed to appear at the hearing on 23rd April 2026. For reasons set out in an extempore judgment I decided to proceed in his absence.

55. At the hearing a third affidavit of Mr lambert produced evidence including photographs said to prove that Trevor was continuing with the works notwithstanding what had occurred at the previous two Court hearings. This if proved could be a further and serious contempt, However no committal application has been served in relation to it. In my view it would be wrong to proceed on the basis that Trevor has further breached the order at this hearing.

56. I now turn back to the Claimant's application before returning to the sentence for contempt.

Claimant's application

57. By an application filed on 16th March the Claimant seeks a variation of the order of His Honour Judge Bird made on 16th March 2018 so that it is permitted to enter onto Trevor's land and carry out such works as are reasonably required to remove all and any structures that have been erected unlawfully to date.

58. It is stated that it is also intended to seek a further variation to enable it to charge for the reasonable costs of the works.

59. It is stated that that it is believed that the structures erected in breach of the order are unsafe and dangerous and that the only reasonable what for them to be removed and the site made safe is for the Claimant to do it.

60. The Application was accompanied by the statement of Mr Lambert, the Claimant's planning enforcement officer. He set out the Claimant's intention to instruct specialist

contractors and that the extent of the necessary works could not be assessed until the site was entered and inspected. He stated;

> "The safety of the Property is uncertain. The council's building control team do not consider the works to be dangerous to the public, however Mr Hajimina has repeatedly carried out unauthorised works, and the building control team has been unable to fully assess the site due to lack of cooperation. If the property is found to be unsafe costs could be higher."

61. At the hearing on 19th March Trevor stated that he wished to remove the structures himself and that he was a builder. As I have set out the hearing was adjourned to allow discussions between the parties as to how and when this could be achieved. I also indicated a preliminary view that recovery of the costs of the work would require a claim for damages.

62. Section 178 of the Town and County Planning 1990 provides a statutory power of entry following the service of an enforcement notice;

> Where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the local planning authority may—
> (a) enter the land and take the steps; and
> (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

Anyone obstructing a person carrying out the steps may be guilty of a criminal offence

63. However no enforcement notice has been served as the existence of an injunction enabled the Claimant to proceed to a contempt application and, as explained by Mr Lambert an enforcement notice may be the subject of an appeal with consequential delay despite the fact that the structure was erected in breach of a Court order preventing such development.

64. Under section 174 of the Act a person having an interest in the land in respect of which an enforcement notice may appeal on any of a number of specified grounds, including that planning permission ought to be granted for the relevant works. Here Trevor has not applied for planning permission; it appears from the letter of 26th March that he did not do so, and does not intend to do so, as this would somehow contravene his beliefs as a Freeman; essentially because he would be engaging in statutory process set out in an Act to which he did not consent. He is caught in a dilemma; if he accepts the due processes under the act by applying for planning permission he axiomatically accepts the authority of the Claimant to enforce a breach of planning law. It is yet another example of the severe difficulties engagement with these wholly misconceived beliefs can lead to.

65. At the hearing on 19th March I did not need to further consider the application given Trevor's indication. One obvious consideration is whether as a first step the Court could

or should be making a mandatory order requiring Trevor to take the structure down; subject to necessary assurances as to the safety of the process. Of course, it has to be recognised that a breach of that order, if it were properly in the power of the Court to make it would itself leave Trevor open to further contempt proceedings.

66. At the hearing on 23rd April Mr Wiliams stated that the Claimant no longer wished to pursue the application due to uncertainty as to its legal basis.

67. I indicated that it seems to me that a proper first step was for the Claimant to enter the land and assess the structure. The nature, extent, cost and urgency of the required works could then be assessed and presented to The Court and Trevor. If it is discovered that the structure is in fact dangerous the Claimant can return to court as a matter of urgency.

68. In a most helpful and candid indication to the Court Mr Williams indicated that he doubted that the Court had the power to make an order to that effect. In the circumstances I make no order. If the Claimant's now changes the application or a variation of it will have to be renewed.

69. I now return to sentence for the contempts.

Powers on committal

70. The maximum term of imprisonment for contempt is 2 years: Contempt of Court Act 1981, s.14(1).

71. The framework for the sentencing is set out in ***Liverpool Victoria Insurance Co Ltd v Khan (Practice Note)*** **[2019] 1 WLR 3833 (CA)**, which concerned a false statement of truth but which is capable of applying to other forms of contempt. In that regard (emphasis added):

> "[58] In considering just how serious it all is in the circumstances of an individual case, and in deciding the appropriate punishment for contempt of court, we think that the approach adopted by the criminal courts provides a useful comparison, though not a precise analogy… It is therefore appropriate for a court dealing with this form of contempt of court to consider (as a criminal court would do) the culpability of the contemnor and the harm caused, intended or likely to be caused by the contempt of court. Having in that way determined the seriousness of the case, the court must consider whether a fine would be a sufficient penalty. If it would, committal to prison cannot be justified, even if the contemnor's means are so limited that the amount of the fine must be modest.
>
> …
>
> [64]…As to the appropriate length of sentence, it is important to emphasise that every case will turn on its particular facts. The

> conduct involved in a contempt of this kind may vary across a wide range. The court must, therefore, have in mind that the two-year maximum term has to cater for that range of conduct, and must seek to impose a sentence in the instance case which sits appropriately within that range…
>
> [65] In determining what is the least period of committal which properly reflects the seriousness of a contempt of court, the court must of course give due weight to matters of mitigation [including serious ill health and previous positive good character]…"
>
> …

And

> "[68] The court must, finally, consider whether the term of committal can properly be suspended…"

72. In **Lovett-v-Wigan BC** [2022] EWCA Civ 1631 The Court of Appeal gave guidance designed to enable Judges to approach the task of sentencing for breaches of anti-social behaviour injunctions made under the Anti-social Behaviour, Crime and Policing Act 2014 Pt 1 in a relatively systematic manner. The Judgment of the court (given by Birss LJ) explained the differences between sentencing in respect of contempt and criminal sentencing;

> "A key difference is that the objectives underlying penalties for contempt are different from those in crime, at least in the sense of the relative significance of punishment as compared to ensuring future compliance with the order. We refer to paragraph 8 of the judgment of Coulson LJ in *Breen v Esso Petroleum [2022] EWCA Civ 1405* with which we agree. This places the emphasis in civil contempt case on the importance of the objective of ensuring future compliance."

73. It is important that is made clear that the sanction has nothing to do with the dignity of the court and everything to do with the public interest that court orders should be obeyed" see generally **JSC BTA Bank v Solodchenko** [2011] EWCA Civ 1241.

74. In **AG-v-Crossland** [2021] UKSC 15 the Court stated at paragraph 44

> "1. The court should adopt an approach analogous to that in criminal cases where the Sentencing Council's Guidelines require the court to assess the seriousness of the conduct by reference to the offender's culpability and the harm caused, intended or likely to be caused.
>
> 2. In light of its determination of seriousness, the court must first consider whether a fine would be a sufficient penalty.

3. If the contempt is so serious that only a custodial penalty will suffice, the court must impose the shortest period of imprisonment which properly reflects the seriousness of the contempt.

4. Due weight should be given to matters of mitigation, such as genuine remorse, previous positive character and similar matters.

5. Due weight should also be given to the impact of committal on persons other than the contemnor, such as children of vulnerable adults in their care.

6. There should be a reduction for an early admission of the contempt to be calculated consistently with the approach set out in the Sentencing Council's Guidelines on Reduction in Sentence for a Guilty Plea.

7. Once the appropriate term has been arrived at, consideration should be given to suspending the term of imprisonment. Usually the court will already have taken into account mitigating factors when setting the appropriate term such that there is no powerful factor making suspension appropriate, but a serious effect on others, such as children or vulnerable adults in the contemnor's care, may justify suspension."

75. In **National Highways Limited v Heyatawin and others** [2021] EWHC 3078 (QB) Mr Justice Chamberlain also provided a helpful overview of the key principle at paragraph 49 including that

"The key general principles are as follows:

..

(b) The discretion should be exercised with a view to achieving the purpose of the contempt jurisdiction, namely (i) punishment for breach; (ii) ensuring future compliance with the court's orders; and (iii) rehabilitation of the contemnor;

(c) The first step in the analysis is to consider (as a criminal court would do) the culpability of the contemnor and the harm caused, intended or likely to be caused by the breach of the order;

(d) The court should consider all the circumstances, including but not limited to:

whether there has been prejudice as a result of the contempt, and whether that prejudice is capable of remedy;

the extent to which the contemnor has acted under pressure;

whether the breach of the order was deliberate or unintentional;

the degree of culpability;

whether the contemnor was placed in breach by reason of the conduct of others;

whether he appreciated the seriousness of the breach;

whether the contemnor has cooperated, for example by providing information;

whether the contemnor has admitted his contempt and has entered the equivalent of a guilty plea;

whether a sincere apology has been given;

the contemnor's previous good character and antecedents; and

any other personal mitigation;

(e) Imprisonment is the most serious sanction and can only be imposed where the custody threshold is passed. It is likely to be appropriate where there has been serious contumacious flouting of an order of the court;

(f) The maximum sentence is 2 years' imprisonment: s. 14(1) of the Contempt of Court Act 1981 . A person committed to prison for contempt is entitled to unconditional release after serving one half of the term for which he was committed: s. 258(2) of the Criminal Justice Act 2003

(g) Any term of imprisonment should be as short as possible but commensurate with the gravity of the events and the need to achieve the objectives of the court's jurisdiction;

(h) A sentence of imprisonment may be suspended on any terms which seem appropriate to the court."

76. Sentences imposed in other contempt cases are of only limited assistance given that cases are fact specific.

77. I turn to the facts of this case and to culpability.

Culpability

78. These were serious breaches.

79. I am wholly satisfied that Trevor breached the injunction order deliberately rather than inadvertently and was fully aware that he was openly defying a court order. This was deliberate and flagrant breach of the order and effect amounted to a challenge to the power and authority of the Court

80. Trevor has a history of ignoring warnings about his building works.

81. The breaches required planning and foresight and no little effort.

82. The breaches have taken place over a lengthy period of time.

83. Trevor ignored a stop notice and increased the extent of his breach by constructing a brick structure instead of the one in wood; of itself a serious breach.

84. As a result of these factors culpability is high.

85. I should make it clear that I am not sentencing for Trevor's disruption of the 6th March 2026 as I decided to take no action in relation to it beyond ensuring that he left Court. However Trevor does not have the mitigation of an admission or any apology or remorse or any attempt to remove the structure. Rather Trevor does not acknowledge the legitimacy of the order and, it is to be presumed, continues to see no reason why he should abide by it. I repeat that this is the danger of the various Freeman of the land theories; they bring the Defendants into conflict with the rule of law. It is not a conflict that they will win and in the process they frequently, as with Trevor, act to their own very significant detriment.

86. I am also not sentencing taking into account; so do not treat as an aggravating factor, the alleged further building following the meeting on 26th March 2026. This is a serious matter and would be a seriously aggravating factor. However no application has yet been made in respect of it. If an application were to be made and this allegation proved this could be a wholly separate and serious contempt.

87. However Trevor I do sentence on the basis that Trevor was given an opportunity to co-operate in remedying his unlawful conduct. He chose not to do so and therefore does not have any consequential mitigation.

Harm

88. The next issue is the extent of the harm caused, intended or likely to be caused by the contempt of court. Here there are two elements;

    a. There is planning harm from constructing a timber-frame structure and then a brick extension in this location. In particular, Mr Shaxted explained that

the substantial structures erected, which were out of keeping with their surroundings would result in serious harm to the amenity of neighbouring properties as they would cause a loss of light, outlook and privacy and represent an overbearing addition which leads to an increased sense of enclosure for neighbouring occupiers.

b. There is also harm in the sense of the risk to the neighbours and members of the public created by the works themselves. From the site visit photos the the proximity of the works to neighbouring properties and to the footpath on Sternhall Lane can be clearly seen. Mr Blythe-Brook complains about the noise disruption, material falling into his garden and loose materials and machinery on the roof, as well as the concern and distress caused by the works**.** His garden is unusable. Mr Rimmer's evidence is in similar terms but he adds that some of the structure has previously collapsed and he expresses concern that the works could again collapse into his garden and fatally injure his baby. Again he has suffered loss of use of his garden.

89. I do not take into consideration the cost of remedial works at this stage as the matter is unresolved. This approach favours Trevor.

90. There has therefore been significant harm Mr Williams submitted that harm was at the medium level. I agree.

91. Trevor has given no indication that he will comply with the order.

Mitigation.

92. Trevor complied with the Injunction for several years before restarting works in 2025.

93. I treat him as a man of good character.

Conclusion

94. For the contempt of building the brick structure which is the more serious allegation as it post dated the breach in relation to the wooden structure there will be a sentence of 6 months.

95. For the contempt of building the wooden structure there will be a concurrent sentence of 3 months.

96. The sentence is therefore one of 6 months. Trevor will serve half of this sentence before being released.

97. In my judgment it is not appropriate to suspend the sentences given the gravity of the breaches.

98. I will make an order reflecting these findings and will also issue a warrant of committal, which will be served together with a copy of this judgment.

99. I remind Trevor that he is entitled to appeal against the findings of contempt I have made and against sentence as of right and without permission. The time limit is 21 days.

100. Trevor also has the right to apply to discharge the committal order; as set out at CPR 81.10. This does not mean that the finding of contempt can be reopened; that would require a successful appeal. Rather the application provides an ability to seek to purge the contempt by apologising and promising to abide by the order in future. The Judge hearing the application (which should be the judge who imposed the penalty if at all possible) has the discretion to refuse the application, to order immediate release or to order release at a future date (ie. before what would have been the release date).