



**OBJECTION STATEMENT** to a Lawful Development Certificate Application by Mrs S Kerwood for the Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire

*Submitted to Cherwell District Council on behalf of Hornton Parish Council*

SEPTEMBER 2020

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Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire:

Application by Mrs S Kerwood for a Lawful Certificate for an Existing Use, Cherwell District Council Ref 20/02126/CLUE: for a mixed use of agriculture and as a motocross track with race meetings for up to 24 days a year (excluding set up, preparation, clear up and private practice sessions)

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CONSULTATION OBJECTION RESPONSE OF HORNTON PARISH COUNCIL (HPC)

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Summary

- A. The view of Hornton Parish Council (HPC) is that the Applicant's submission is insufficiently detailed or precise in key areas, as set out in this response. In addition, much of the application is based on unsubstantiated assertion and without sufficient credibility for the grant of a Certificate on the balance of probability.
- B. The claimed number of race meets over the last ten years is not accompanied by any supporting information and nor does the claim accord with the experience of the local community in terms of race events over the last 2-3 years, when there has been a significant increase in noise disturbance affecting Hornton residents. The claim for "practice" days is also unspecified in number and not related specifically to the Banbury MX Club. The application has also stated that the local MX Club is the **only** site user or the **main** site user but in reality in the last few years "hire-out" days have expanded and are understood to have been the sole use of the track for events to date in 2020. HPC has therefore carried out exhaustive research from websites and social media platforms to obtain contemporaneous accounts of meetings at the track with a schedule attached at Appendix A. The Parish Council assessment of the number of race meets is summarised in the table at paragraph 13.
- C. There has also been both an expansion of the site area in use by spectators or for overnight camping (as evidenced by recent event drone photographs), as well as

expansion of the racing track itself in terms of length, width, vertical profile and the addition of structures/boundary features, together with the installation of drainage during the last ten years. At paragraph 39 of this Statement a summary is provided of such changes taken from the very detailed and thoroughly researched report produced by Christine Cox of Air Photo Services Ltd. (Full report at Appendix B.) Appendix E provides evidence of further area and width measurement increases.

- D. Period of Continuous Use - the requirement to be immune from enforcement requires a ten year continuous use period (as detailed at statement paras 31-35). HPC contend that, due to the Covid-19 lockdown, there has been a cessation of actual use; such interruption has been sufficient to break the required period of continuous use of the land, in that between March 2020 and July 2020 no race meetings have taken place.
- E. From the expansion and intensification of the race track and camping land, HPC consider the whole character of the land use has changed significantly, as have the character of the events held at the track. Appendix F photographs show the increased and expanded use of the site from events in 2020. Specifically in recent years, as summarised at paragraph 43, the events have grown in type and scale, this is demonstrated by the bundle of Media Evidence included at Appendix C. It is also known that the site operator has extended the track distance and lap time, through the addition of loops and jumps so as to attract far larger scale outside events and top riders to a track with an international lap duration. Bigger and noisier four-stroke bikes have also become more prevalent than the use of bikes with two-stroke engines - all part of the commercialisation and intensification of track use.
- F. HPC provide evidence to demonstrate that the character of the use and its offsite effects changed between 2017-2019, as a result of track upgrade and expansion. Both intensification of use and the radically increased impacts of noise and disturbance on residential amenity, are evidenced by the 2019 increase of complaints to CDC. Appendix D sets out a tabular summary of 35 objections already submitted to the LDC application - in which complaints there is reference to the intensification of use and noise impacts between 2017-2019. The Appendix G document provides a compendium of documents compiled between May - September 2020, setting out Comments and Concerns from HPC on behalf of Parishioners.

G. For all the above stated reasons the HPC consultation response is summarised as follows:

- i) The LDC application is insufficiently detailed or precise for the grant of a Certificate.
- ii) The Applicant's case is based more on unsubstantiated assertion than factual evidence.
- iii) The HPC objection is substantiated by detailed research and analysis which has confirmed:
  - No continuous use over the required ten year period
  - No evidence for the claimed number of race meets
  - A material change of use has taken place at the MX track with significant changes both to the track and camping areas, including significant, unauthorised engineering/earthworks within the period 2016-2020. Such unauthorised works have formed a fundamental part of the intensified use of the MX site, resulting in radically increased noise disturbance to the village community of Hornton and other nearby properties. The whole character of the land use has changed materially.

## INTRODUCTION

1. The Parish Council has read application 20/02126/CLUE (received and validated on 5 August 2020) which invites Cherwell DC ("CDC") to certify, pursuant to s191 of the Town and Country planning Act 1990 ("the Act"), the following use of the land which is the subject of the application:

"The use of the land for a mixed use of agriculture and as a motocross track with race meetings for up to 24 days a year (excluding set up, preparation, clear up and private practice sessions)"
2. It is also clear from the Supporting Statement accompanying the application that the Applicant puts her case on the following basis:
  - i) She relies on the facts and matters set out in the 6 exhibits attached to the Supporting Statement and has thereby discharged the evidential burden placed on it to the required standard - though the level of substantiation or credibility

of such evidence is not accepted as sufficient, for the reasons set out in this objection response.

- ii) The current mixed use of the land is on a permanent basis.
- iii) CDC decided in 2018 that no enforcement action could be taken against the use for motocross ("MX") racing/practicing for racing.
- iv) The land has been in this mixed use continuously for at least the last 10 years and is, as a result, immune from enforcement pursuant to s171B of the Act.
- v) There has been no material change of use of the land within the last 10 years.

3. In this response document the Parish Council deals with each of these issues in turn and concludes that the Certificate asked for should not be granted.

## THE STANDARD OF PROOF

4. The standard of proof is, as the Applicant identifies, "the balance of probabilities".
5. PPG advises that (emphasis added):

- i) (ID: 17c-005) "An application needs **to describe precisely** what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced."
- ii) (ID: 17c-006) The **applicant is responsible** for providing **sufficient information** to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant

who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

6. The need for the Applicant to provide clear "sufficiently precise evidence" is important in this case. In our view the evidence submitted is woefully short of what is required. Indeed, the Parish Council has reliable evidence (set out below) which in important respects contradicts the evidence (which for the most part is bare assertion) produced by the Applicant.

## THE FACTS

### Evidence of Use

7. The evidence relied on by the Applicant is as follows:
  - i) Mr Pounder avers that the number of the race meetings held in last 12 years are set out in exhibit BP1. He produces no corroborating evidence to underpin what he says.
  - ii) Mr Pounder's evidence that a "race meeting takes a number of days to set up in preparation and at least one to clear up after". He gives no precise details.
  - iii) Mr Pounder also avers that "in addition, the Site is used for a number of days in any given year for practicing." He gives no precise details.
  - iv) Mrs Kerwood says that the number of race meetings held a year is "around 20". She does not state the basis on which she reaches this conclusion - it may be that she is simply repeating what Mr Pounder has told her.

8. The application asks for a certificate in terms of "race meetings for up to 24 days a year". However, the table at exhibit BP1 shows a range of between 14 and 22 since 2010 (the 2020 figure of 26 is admitted to be a forecast estimate known to have been interrupted by the pandemic).
9. The application does not seek a certificate in terms of practice racing days and no sufficiently precise information or details of the numbers of such days are given.
10. As will be explained further below, the evidence of actual use submitted by the Applicant is plainly not sufficient to prove the use requested to be certified.
11. So far as the number of days use claimed in exhibit BP1 is concerned it is not substantiated by any supporting evidence. It is no more than a 'bare assertion'. The applicant must surely have supporting contemporaneous documents or material (paper or electronic) that it could have disclosed to make good Mr Pounder's assertion. Not to have included it with the application is a further example of the lack of specificity and sufficiency of the evidence.
12. The Parish Council therefore submits that the evidence provided by the Applicant to support the number of days of "track meets" is, taken on its own, not sufficiently clear or precise. But, in addition, the Parish Council has evidence that strongly suggests that the Applicant's assertions are not reliable and are less than probable.
13. Anecdotally, the collective experience of local residents is that the number of race meetings claimed by the Applicant is not accurate and is exaggerated, particularly in the early years of the period 2010 to 2020; in those earlier years when the track length was shorter, there is no evidence for the larger scale, national events that have been held in more recent years by letting the track facility, i.e. not use specifically by the local Banbury MX Club. The Parish Council has therefore carried out an exhaustive 'trawl' of web sites and social media platforms in order to obtain contemporaneous accounts of meetings at the track. A schedule is attached at appendix C This shows far fewer 'meetings' than claimed by the Applicant:

YEAR	APPLICANT'S CLAIM AT EXHIBIT BP1	PARISH COUNCIL APPX 1 SCHEDULE OF NUMBER OF MEETINGS - EITHER 1 OR 2 DAYS
2010 (from 5 Aug)		
2011	21	9
2012	20	10
2013	14	6
2014	15	6
2015	16	9
2016	17	10
2017	21	14
2018	22	21
2019	20	21
2020 (Jan to 4 Aug)	26 (planned not actual)	

14. The number of days of racing at each race meeting is not set out clearly by the Applicant. The Parish Council Schedule shows where evidence has been discovered of a meeting comprising more than one day. Given that the Certificate applied for is in terms of “race meetings for up to 24 days a year”, there is a further deficiency in the specificity of the evidence supplied by the Applicant - she does not state how many days of racing the Applicant claims took place in the relevant period.

15. Further, given that the application for the Certificate was received by the Council on 5 August 2020, the number of meetings “planned” for 2020 is irrelevant. What matters is how many actually took place up to that date. Race meetings that were cancelled for whatever reason (weather, Covid-19 lockdown etc) cannot be counted towards actual use of the land in terms of the number of days of racing that have taken place; nor can

meetings which took place after the application was submitted. The Applicant’s evidence is wholly silent on what, as a matter of fact, actually took place in 2020.

16. The Parish Appendix G document at Section 3.5.2 sets out information about planned events in 2020 but which did not go ahead due to the Covid-19 lockdown.

Physical works / changes to the land.

17. It is clear that the Applicant accepts that the physical nature of the track has changed / evolved over time, and during the last 10 years in particular. However, only distant, poor quality air photographs are contained with the application. The physical changes to the track over time are relevant to the consideration of this application for a LDC in respect of the use of the track in respect of whether a material change in the character of the use has taken place during the 10 year period under consideration.

18. If a material change of use has taken place, then CDC is able to enforce against the change, and include in an enforcement notice requirements that any physical works that have enabled the change of use to be reversed, even if that requires the removal of operational development that would have been lawful by the passage of time (see *Murfitt v SSE* (1980) 40 P&CR 254). This is part of the power for an enforcement notice to require land to be restored to its condition prior to the material change of use. It applies where the works concerned are integral to, or part and parcel of the unauthorised use (see *Kestrel Hydro v SSCLG* [2016] EWCA Civ 764 at [28] per Lindblom LJ):

“What then is the principle? It is that an enforcement notice directed at a breach of planning control by the making of an unauthorized material change of use may lawfully require the land or building in question to be restored to its condition before that change of use took place, by the removal of associated works as well as the cessation of the use itself - provided that the works concerned are integral to or part and parcel of the unauthorized use. It does not apply to works previously undertaken for some other, lawful use of the land in question, and capable of being employed for that or some other lawful use once the unlawful use has ceased. But it can extend to unauthorized changes of use where the associated works, if viewed on their own,

would have become immune from enforcement under the four-year rule in [section 171B\(1\)](#) (as in *Murfitt*) or would be outside the scope of planning control (as in *Somak Travel Ltd.* ). In every case in which it may potentially apply, therefore, it will generate questions of fact and degree for the decision-maker. Whether it does apply in a particular case will depend on the particular circumstances of that case.”

19. It also follows that physical changes to the land in the last ten years may themselves be indicative that a material change of use has taken place.

20. Quite separately CDC may enforce against engineering operations / building works that have taken place within the last 4 years irrespective of whether there has been a material change of use. For example, if it is judged that engineering operations have not given rise to a material change of use, it may still be expedient to enforce against the works if they have had adverse effects on local amenity or interest of public importance, such that they would not be granted planning permission. This has been the subject of separate representation to the Council from the Parish Council’s agent. Cherwell DC have confirmed that a separate enforcement investigation is underway concerning unauthorised earthworks in the last four years. Confirmation is awaited from Cherwell DC as to the follow up action to be taken.

21. The Applicant has not set out in any substantial detail the physical changes that have been made to the track. However, the Parish Council has obtained its own photographic records and observation evidence and has had them analysed to show the nature of the physical changes made over time (see below).

22. These changes have included both the expansion of the site area in use (for example to provide areas for spectators and overnight camping), the expansion of the racing track itself in terms of its length and width, the vertical profile of the track to create ‘hills and hollows’ and jumps, the addition of structures and boundary features, and the installation of drainage.

23. The attached report from Christine Cox of Air Photo Services (Appendix B) presents a thoroughly researched and detailed analysis of land use/track changes between

2009/10 and 2020. From paragraph 36 below further details are provided and with the summary points being:

- i) Earth moving track alterations and associated features have increased the area of bare soil from 8524m<sup>2</sup> in 2016 to 9394m<sup>2</sup> in 2020, ie an increase of 870m<sup>2</sup>.
- ii) Increased track length between 2009-2020: as part of an ongoing process, the overall track length has increased by 536m, ie. a 33% increase and all of which has involved engineering/earthworks activity.

24. As reviewed further below, these changes have collectively facilitated a material change of use.

#### REVIEW OF CURRENT MIX OF USES

25. The application avers that there has been a change of use of the land to a mixed use of agriculture and MX racing.

26. Mrs Kerwood says that “When there is no [MX] use the Site is used for the grazing of sheep.” There is no indication that the sheep are not free to roam over the whole site.

27. Mr Pounder states that “race meeting takes a number of days to set up in preparation and at least one to clear up after”.

28. Both of these statements, together with the applicant’s case set out in the table in exhibit BP1 of the number of total number of days the track is in use for “track meets” and “average set up and clear down days” (fewest 56, largest 88) suggests a temporary use for no more than 25% of the days in any given year.

29. While it is permissible ([Ramsay v Secretary of State \[2002\] J.P.L. 1123](#)) to take into account physical changes to the land, it is plain that it has not been difficult or

impossible for the site to revert realistically to its previous agricultural use in between the occasions when the land was used for MX racing.

30. While the HPC primary case is that no certificate should be issued, in the alternative, any certificate issued should therefore be in terms of a number of days of temporary use. However, in the event that CDC concludes that the mixed use is permanent, the certificate issued should also state the number of days of racing a year that has been established as being lawful. PPG ID: 17c-010-20140306 advises:

“.....Precision in the terms of any certificate is vital, so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it. It is important to note that:

- a certificate for existing use must include a description of the use, operations or other matter for which it is granted regardless of whether the matters fall within a use class. .... The certificate needs to therefore spell out the characteristics of the matter so as to define it unambiguously and with precision. This is particularly important for uses which do not fall within any “use class” (ie “sui generis” use); and
- where a certificate is granted for one use on a “planning unit” which is in mixed or composite use, that situation may need to be carefully reflected in the certificate. Failure to do so may result in a loss of control over any subsequent intensification of the certificated use.”

#### MATERIAL CHANGE OF USE IN THE LAST TEN YEARS

31. A use of land becomes ‘lawful’ in the sense that it is immune from enforcement after 10 years continuous use - see s171B of the Act. In this case the relevant period runs from 5 August 2010 to 5 August 2020 (when the application was received).

32. It is settled law that the use must be continuous throughout the 10 year period in order to remain immune from enforcement. The key legal question is whether enforcement action could have been taken at any time during the 10 year period (see *Swale BC v FSS* [2006] J.P.L. 886, CA).

33. In *Miles v National Assembly for Wales* [2007] J.P.L. 1235, Mr Miles had applied for a Certificate in relation to MX use of land in excess of that permitted under the GPDO. The Council refused his application on the basis that there had been a ‘gap’ in the use during a foot and mouth outbreak. On appeal the inspector found that this was “an interruption of such significance” so as to break the 10 year period of continuous use. The Court held that the inspector was lawfully entitled to his finding of fact and planning judgment.

34. At the Wroxton MX track there has been an interruption during the Covid-19 ‘lockdown’ when there was a cessation of actual use. The Parish Council submits that this is sufficient to break the period of continuous use of the land (*pace Miles* above). On the Applicant’s case there appear to have been no race meetings between ‘lockdown’ in March 2020 and the ‘unlocking’ in July 2020. The Applicant’s evidence is not sufficiently precise as to when the last race meeting was before lockdown and when the first one was after it in order to establish the actual period of interruption.

35. Following the March 2020 Covid lockdown no race meets were held until 5 July 2020 which also included hire-out camping.

36. The first task of CDC in considering whether there has been a material change of use of the land is to identify the appropriate planning unit - in this case the area within the ‘red line’ on the application plan.

37. Next, it is important to establish with precision what the use of the land was on 5 August 2010 at the start of the 10 year period. In this regard, the Applicant’s information is woefully inadequate.

38. It is possible to ascertain with reasonable precision from air photographs in 2009 the physical layout of the track at that time. However, this physical layout is consistent with lawful temporary use under the GPDO, or even temporary use which is unlawful as being in excess of the number of days permitted under the GPDO.



## UNAUTHORISED EARTH MOVING/ENGINEERING WORKS

39. From the OS Map in 2011 it would appear that not much changed physically in 2010. The Parish Council's attached expert report from Christine Cox of Air Photo Services Ltd (see Appendix B) adopted the 2009 evidence as the baseline. Her report notes:

- i) Expansion of the site boundary by 2012;
- ii) Alterations to the track itself by 2012;
- iii) Further alterations to the track by 2014;
- iv) Further alterations to the track by 2015;
- v) Further earthworks and evidence of the grassed area within the red line perimeter in 2016;
- vi) Further earthworks, alterations and additions to the track in 2019;
- vii) Further earthworks between July 2019 and June 2020;

40. Christine Cox's report concludes that:

- i) The racing track has been lengthened by over 500m (33%).
- ii) The area of the track and all associated bare earth features increased by over 1,500m<sup>2</sup>.

41. Separately, a local resident [Roger Corke] has analysed the available air photos using software called Sketchandcalc (see Appendix E). This supports the analysis of Christine Cox and in addition presents an increase in the average width of the racing track from 11.08m to 12.15m in the period 2009/2010 to 2020.

42. It is clear that the 'improvements' to the track (as the Applicant would see it) have been carried out in order to facilitate a change in the character of the use of the track. What was a local 'scrambling' facility has evolved incrementally into nationally (even internationally) important racetrack. The users of the racetrack in 2020 are of a completely different type to those in 2010 in terms of:

- i) The skills and experience of the riders;
- ii) The size, type and noise of machines that can be ridden competitively - now including noisier, 4 stroke engines;
- iii) The speeds that can be achieved;
- iv) The 'standing' of the racing events that they take part in.

43. It is also clear from the evidence gathered by HPC that between 2010 and 2020 the character of the events held at the track has changed:

- i) They attract more riders;
- ii) They attract more spectators;
- iii) They attract riders and spectators from a very wide area (national and international) who stay (including overnight) at the site before, during and after race meetings;
- iv) They require more 'set up', stewarding/marshalling, and 'clear up'.
- v) They generate more noise and disruption and, as a result, more complaints.

44. While the activity on the site may in one sense be 'riding a motorcycle', the whole character of the use of the land has changed significantly. HPC Compendium Appendix G, at page 20, suggests that the major Bridgestone British Masters event has only been using the Wroxton track since 2016-17 and with commentary on the 2018 event confirming the growth in the event at Wroxton.

45. By analogy, it is helpful to examine the change in the use of a dwellinghouse in the context of whether or not there has been a material change of use in planning terms. While the use may be differences (MX racing vs living in a dwellinghouse) there are common principles.

46. In appeal decision APP/G3110/C/19/ 3239740 in respect of land at 45 William Street, Oxford (attached at Appendix H) the Council served an enforcement notice alleging a material change of use from C3 dwellinghouse to a use as short term let accommodation.

The property remained physically unaltered. However, the inspector (following the approach in *Moore v SSCLG* [2012] EWCA Civ 1202) found that as a result of the character and activities of the occupants of a short term let being materially different, a material change of use had occurred.

47. In this case the character and activities of the use of the land at the MX track has changed. Local residents sum it up as being a change from use as a “small scrambling track into a big national and international sporting facility”. HPC submits that this amounts to a material change of use in planning terms.

48. Further, or in the alternative, the applicant’s Supporting Statement also fails to consider at all the making of a material change of use by intensification in the last 10 years.

49. There may be a material change in use where an existing (lawful) use has become intensified (*Brooks and Burton Ltd v SSE* [1977] 1 W.L.R. 1294). However, mere intensification of a use does not in itself result in a material change of use. It must be intensification of such a degree as to amount to a material change in the character of a use. In *Hertfordshire v SSCLG* [2013] JPL 560 the Court of Appeal held (at [25]) that in assessing whether there had been a change of character in the use, the impact of the use on other premises was a relevant factor. It was necessary to consider both what was happening on the land and its impact outside the land when deciding whether the character of the use had changed.

50. For the reasons set out below, HPC believes that the character of the use, and its effects off-site, changed in or about 2017-2018 and certainly by 2019.

51. Attached to this Statement at Appendix D is a summary of over 30 complaint letters submitted by local residents in response to the LDC application. All these letters highlight a significant increase in the frequency of meetings in recent years and which also reflect not just an escalation in frequency of use but also far greater noise intrusion on account of both larger races and larger motorcycles.

52. It is clear that what was once a local facility, has ‘morphed’ physically (area/length/width/profile of track and camping area) and by intensity of use, into a national / international sporting venue with serious impacts on the amenity of local residents. HPC submits that a material change of use by intensification has occurred within the last 10 years.

53. The table at the Applicant’s exhibit BP1 does suggest a ‘jump’ in the number of race meets to over 20 in 2017. The same is suggested by the research that HPC has undertaken (see above). The Applicant should be asked to provide further contemporaneous and precise information as to the full details of each race meeting in the last 10 years so as to enable the Council to assess whether a material change of use has occurred by intensification - for example:

- i) Whether it was a day for members of the local Banbury Club, or if not, the name of any other club or organisation organising the meeting or hiring the site.
- ii) Whether it was a race meet for / part of a national or international championship or competition.
- iii) How many riders took part in racing each day and where they travelled from to be at the event, which clubs were represented?
- iv) How many different races were held each day and how many riders were entered in each race?
- v) The class of motorcycle and engine size used in each race.
- vi) The times of the first and last race on each day of each meeting.
- vii) How many spectators came to each day?
- viii) How many persons spent the night before/after each race day?
- ix) Whether an admission charge was made for either race entrants and/or for spectators and/or for camping and if so in what amount.
- x) Whether bikes in each race were with 2 or 4 stroke engines.

54. This information must be within the knowledge of Mr Pounder or Mrs Kerwood.

55. The Council should also review what physical changes were made to the land in order to facilitate the change in the character of the use. Again, this information must be within the knowledge of Mr Pounder or Mrs Kerwood. They should be asked whether they accept the analysis in the Christine Cox report and if not, why not.

56. Based on the totality of the evidence available to date, the Parish Council submits that there has plainly been a material change of use by intensification in the last 10 years.

#### DISPOSAL OF THE APPLICATION

57. For the reasons set out above, the application should be refused because:

- i) The evidence is not sufficiently precise and unambiguous; but if it is -
- ii) There has been no permanent change of use; only temporary use of the track has taken place. But if there has been a permanent change of use -
- iii) There has not been 10 years continuous prior to the date of the application; or if there has -
- iv) There has been a material change of use by intensification within the last 10 years; and
- v) In any event, unlawful engineering operations carried out in the last 4 years are not immune from enforcement.

58. In the event that the applicant is minded to seek a certificate in a different form, or in the event that the Council is minded to grant a certificate in different form, the Parish Council asks that it be re-consulted - indeed fairness means that it must be re-consulted.

59. The determination of this application involves judgments of fact and degree and/or matters of planning judgment - for example whether or not there has been a material change of use by intensification. While LDC certificate applications are normally dealt with by lawyers at a local planning authority under delegated powers, and even if there are no member 'call in' provisions for LDCs in CDC's constitutional arrangements, an

officer acting under delegated powers does have the responsibility to consider whether the use of such powers would be appropriate in the circumstances of a particular case. In the event that legal officers at CDC are minded to grant a certificate, then the Parish Council submits that the judgments on planning matters and or fact and degree in this case should be taken by elected members. Of course, if officers are minded to refuse the application, the use of delegated powers would be acceptable to the Parish Council.

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P1

4th/5th July 2020 Weekend Hire of the Wroxton Track by Severn Valley MX Club. Nine main races were held with further details provided in the Parish Council Compendium of Comments and Concerns.

P2

P3

P4

Weekend of 22nd/23rd August 2020 BSMA Champion of Champions two days of racing. Photographs show the extended areas of parking and with Photograph 4 highlighting the additional parking area not included within the LDC application boundary.



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CLIENT

Hornton Parish Council

PROJECT TITLE

OBJECTION STATEMENT to a Lawful Development Certificate Application by Mrs S Kerwood for the Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire

DATE 29TH SEPT 2020  
SCALE SEE SCALE BAR  
DRAWING NO. MLA394/05  
DRAWN BY GT  
CHECKED MJL

DRAWING TITLE

**PHOTOGRAPHS 1 - 4**



MARTINLEAY  
a s s o c i a t e s



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