

Rachel Tibbetts

From: George Smith
Sent: 29 March 2021 09:18
To: DC Support
Subject: FW: Objection from Roger Corke to Planning application 21/00517/F

From: roger.corke [REDACTED]
Sent: 27 March 2021 13:24
To: George Smith <George.Smith@Cherwell-DC.gov.uk>
Subject: Objection from Roger Corke to Planning application 21/00517/F

The Cottage
Church Lane
Hornton
Oxon OX15 6BY

Dear Mr Smith

Objection to planning application 21/00517/F

I have lived in Hornton for more than 30 years and I object in the strongest terms to this application for the creation of the motocross track.

There are a host of reasons why sanctioning such an unlawful development would be wrong:

- it creates unacceptable noise, not only for the villagers of Hornton but all of the people unlucky enough to live downwind and in earshot
- it has spoiled the environment of a beautiful corner of the Ironstone Downs – an area that is supposed to be protected from such intrusive development
- it has been created with no planning permission whatsoever and, were its unlawful presence to be sanctioned now with retrospective planning, it would make a mockery of the planning system that Cherwell District Council has a duty to uphold.

But the aspect of this application which concerns me most is the fact that it is constructed on a falsehood.

The applicants would have you believe that they should be given planning permission because they've been operating a motocross track on the site for years and nothing has changed. They say as much in their application, citing January 1, 1981 as the date when the track started to operate.

In fact, a great deal has changed – so much so that the track that's on the site now is so physically different from its predecessor (which may well have started in 1981) that it has effectively *replaced* what was there before.

Late last year, the applicants applied to CDC for a Certificate of Lawful Existing Use. In that application - which included sworn statements from the land owner and track operator – it claimed that only minor changes had been made to the site over the years.

But research, much of which I helped to compile, told a very different story: the track is longer, wider and covers more ground today than even four or five years ago and far more than a decade ago.

Having comprehensively demonstrated that the applicants' case was misleading last year, you would have thought that they would have taken the trouble not to make the same claims again – but they are still trying to pull the wool over Cherwell's eyes and give the impression that this application is just regularising a development which has been pretty much the same for years.

The misleading statements don't stop there. The applicants are asking for permission to race for 24 days a year – and this on the basis that they have been racing for about this number of days for years.

But that's not the case. When the applicants applied for the Certificate of Lawful Existing Use, they also applied for 24 days' racing. For that to succeed, they would have had to demonstrate that they had been using the track for that number of days racing for the past ten years.

They tried to do this by presenting a table, below, purporting to show the number of days' racing had taken place:

| Year | Number of meets |
|------|-----------------|
| 2011 | 21 |

| | |
|------|----|
| 2012 | 20 |
| 2013 | 14 |
| 2014 | 15 |
| 2015 | 16 |
| 2016 | 17 |
| 2017 | 21 |
| 2018 | 22 |
| 2019 | 20 |

I was also involved in the research to check whether these figures were correct. We consulted nine different sources - including Banbury MX Club's own fixture lists, Facebook pages and website – and they told a very different story:

| Year | Number of meets claimed | Number of days racing we were able to find |
|------|-------------------------|--|
| 2011 | 21 | 10 |
| 2012 | 20 | 12 |
| 2013 | 14 | 6 |
| 2014 | 15 | 7 |
| 2015 | 16 | 10 |
| 2016 | 17 | 11 |
| 2017 | 21 | 17 |
| 2018 | 22 | 23 |
| 2019 | 20 | 26 |

It was clear from our research that the notion the track had been used for more than 14 days' racing a year until very recently was wildly wide of the mark. That figure of 14 days is important, because the track owner and operator are entitled to run MX racing on the site for 14 days a year, plus 14 days' clear-up, under permitted development rules.

We discovered that until 2017 they had comfortably kept within those limits. It was only since then that they have not done so.

When we demonstrated the misleading statements made by the applicants in terms of the physical scope of the track and the number of meetings claimed to be held there, they withdrew the application for a Certificate of Lawful Existing Use.

Now they present another application, for retrospective planning permission, based on the very same statements, with no attempt to counter the overwhelming evidence we had already discovered to disprove them.

As a result, I believe this application should be rejected by the planning committee. The site, which has been redeveloped without a shred of planning permission, should be reinstated to how it used to be and the owner and operator be allowed the race for 14 days under permitted development rules with another 14 days clear-up.

And, given their track record in ignoring planning law and making applications based on provably misleading statements, they clearly cannot be trusted to adhere to permitted development rules without appropriate supervision by Cherwell. The council will clearly need to make sure that, in future, the track owner and operator play by the rules that apply to the rest of us.

Regards

Roger Corke

This e-mail (including any attachments) may be confidential and may contain legally privileged information. You should not disclose its contents to any other person. If you are not the intended recipient, please notify the sender immediately.

Whilst the Council has taken every reasonable precaution to minimise the risk of computer software viruses, it cannot accept liability for any damage which you may sustain as a result of such viruses. You should carry out your own virus checks before opening the e-mail (and/or any attachments).

Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action..