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Your Ref: 21/00517/F

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21/00517/F

Land used for Motorcross, Stratford Road, A422, OX15 6HX

Creation of Motorcross Track and Soft Landscaping Scheme and the Change of use of Agricultural Land to Hold Motorcross Events Including Set-up, Take Down and Private Practice Sessions, with Associated Camping Site, for up to 65 Days Per Year and Agricultural Grazing (Retrospective)

Objection on Behalf of The Trustees of the Lord Bearsted – 1986 Settlement (the Upton Estate)

Dear George,

On behalf of Fisher German's client, the Upton Estate, we write in response to the current live retrospective planning application (21/00517/F) at the 'Land used for motorcross, Stratford Road A422, OX15 6HX'.

The application proposed the following development:

*"Creation of motorcross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)".*

Our client owns the Upton Estate located to the west of the application site, which comprises of various land and residential and commercial property. A key attraction for both residential and commercial tenants is the peace and quiet of the area compared to an urban location. The creation of more noise and traffic undermines the benefit of the rural location. We object to the proposal on the grounds of its lack of compliance with policies of the local development plan, impact on the Cotswolds AONB, and inconsistencies of presented information.

### **Lack of Compliance with Cherwell District Council Development Plan**

We object to the proposal due its lack of compliance with policies contained within Cherwell District Council's adopted local development plan.

It is noted that the planning application for the 'creation of the motorcross track' is retrospective, having been submitted by the applicant to regularise the use of the site following correspondence from the Council inviting them to do so prior to enforcement action. As such, there is no formal planning permission for use of the site for motorcross racing, with the site operating under the 28-day temporary use rule.

Policy SLE1 of the Cherwell Local Plan 2011-2031 on employment development has been referenced in the planning statement in support of the proposal. Initially question is raised whether the proposed use can be deemed to constitute 'employment development', admittedly employment generating during use for events etc, the proposed use of the site is more suitably considered to be for leisure. Nevertheless, we do not consider all criteria of policy SLE1 have been met, most notably that new employment proposals within rural areas on non-allocated sites must ensure *"sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site"*.

There is little justification for the location of the proposal in the applicant's submission aside from diversity of an agricultural business. This should only be afforded limited weight given that the motorcross track has no formal planning permission. Further justification should be provided to demonstrate why the development should be located in the proposed location with all subsequent criteria of policy SLE1 demonstrated to be met by the proposal.

The planning statement also makes reference to policy BSC10 – open space, outdoor sport and recreation provision. This policy aims to protect existing sites as well as address deficiencies in provision through qualitative enhancement of existing provision. Again, the submitted planning statements does not appear to provide any supporting evidence as to whether the proposed increased usage of the site is justified by existing deficiencies of demand. With no formal planning permission, operating under the 28-day temporary use rule, the simple fact that the motorcross track exists does not necessary mean that it will meet the stipulated test of policy BSC10. As such, *"in determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs"*. The submitted objections from Shennington with Alkerton Parish Council and the public demonstrate conflict relating to whether the use ensures that local needs are met and can operate harmoniously.

Furthermore, the submitted application appears to have neglected the fact that the site is located within/adjacent to a Conservation Target Area – policy ESD11. Brief reference is made within the submitted ecological survey, however insufficient information has been provided to show the proposal adheres with the policy; demonstrating the proposal does not conflict with the aims of the conservation target area as well as identifying constraints and opportunities for biodiversity enhancement. It is acknowledged that the ecological survey makes the recommendation for hedgerow planting around the site, however we request that the Council's ecology officer provides a view on whether this enhancement is sufficient and accords with the aims of policy ESD11.

### Impact on Cotswolds Area of Outstanding Natural Beauty

Although not located within the designated Cotswold AONB the site is located close enough to it to be interpreted within the area's setting and subsequently have an impact upon its character and tranquillity. Paragraph 172 of the National Planning Policy Framework states:

*"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues..."*

We are of the view that the resulting highways, visual, and noise impact that would arise from the proposal on the nearby AONB would outweigh its public benefit. This is specifically the case for the resulting increase in noise and associated traffic movements that would result from the increased use of the site having an adverse impact on the quietude and therefore character of the AONB. Evidence of the proposed use's impact on the surrounding area is demonstrated by comments on the application from Shennington with Alkerton Parish Councils and local residents, objecting to the proposal due to the associated noise impact it has. The proposed increase in use of the site to 65 days of the site will only worsen this, negative affect on the AONB.

### Inconsistencies of Presented Information

Upon our assessment of the submitted suite of technical information, some documents state that the application is for 24 days use as opposed to the stipulated 65 days in the application's description. Please can the applicant clarify the number of days the site will be used to avoid any confusion. The noise report appears to be based on the proposal being for just 24 days per year rather than 65. As such this does not appear to be an accurate assessment, with submitted calculations inconsistent with what is being proposed (if 65). In addition to this, the noise report has also claimed to have attended "a major weekend typical event" including one on the 6<sup>th</sup> December 2020 which references hundreds of attendees. Given the ongoing Covid-19 pandemic we have reservations that surveys conducted at this time would accurately reflect the noise impacts of a 'typical event' given that such an event with hundreds of attendees would not have been legally permitted.

## Conclusion

To conclude, we object to the proposal on the grounds of its, lack of compliance with policies of the local development plan, impact on the Cotswolds AONB, and inconsistencies of presented information. Additional information is required from the applicant to sufficiently justify the proposed use in this location along with ensuring all submitted technical information aligns.

We politely request that our comments are taken into consideration and that we are kept updated on the progress of the application going forward.

Yours sincerely,



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For and on behalf of Fisher German LLP

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