

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Cherwell District Council

1. THIS NOTICE is issued by Cherwell District Council ('the Council') because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land Used For Motorcross, Stratford Road A422, Wroxton, OX15 6HX, shown edged bold red on the attached plan titled 'Plan 1' ("The Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of The Land to a mixed use comprising agriculture, a motocross track and camping site ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last 10 years.

The motocross track, by virtue of its increased size and frequency of events, results in a level of noise pollution that causes significant harm to the living amenities enjoyed by nearby residents and detracts from the rural character of the area. The development is therefore contrary to saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The development, by virtue of its unconditional nature, fails to adequately secure the safeguarding of protected species and sufficient mitigation for impacts resulting from track works and its use. Furthermore, unmitigated downstream silt migration will be to the detriment of the Sor Brook and Horley Local Wildlife Site; a detailed mitigation strategy is required to overcome this harm. The development is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

The development, by virtue of its unconditional nature, fails to ensure adequate access, parking and egress arrangements to the detriment of highway safety and congestion. Detailed access and parking strategies are required to overcome this harm which is substantial without controls on the size and frequency of events. The development therefore conflicts with Policies SLE 4 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The development, due to its size, massing, and location within the open countryside, causes harm to the character and appearance of the local area; landscape improvements are required to overcome this harm. The development therefore fails to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

The development is without an adequate drainage maintenance strategy, which fails to demonstrate that the development will be compatible with mitigations and improvements necessary to overcome harms relating to ecology and appearance. The development is therefore contrary to Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

5. WHAT YOU ARE REQUIRED TO DO

1. Cease using the Land as a motocross site;
2. Cease the use of the Land as a camping site;
3. Remove all earthworks, bunds and arising materials, spoil and debris from the areas shaded green on the attached plan titled 'Plan 2' and return the land in these green shaded areas to original ground level;
4. Remove all portable toilets brought on to the Land in connection with the motocross and camping site use.

6. TIME FOR COMPLIANCE

For compliance requirements (1) and (2) above, **21 days** after this Notice takes effect.

For compliance requirements (3) and (4) above, **6 months** after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **1 January 2024**, unless an appeal is made against it beforehand.

Dated: 30 November 2023

Signed [Redacted]

[Redacted] (Planning Enforcement Team Leader)

On behalf of: Cherwell District Council
Bodicote House
White Post Road
Bodicote
Oxfordshire
OX15 4AA

Nominated Officer: [REDACTED]
Senior Planning Enforcement Officer
enforcement.planning@cherwell-dc.gov.uk

Telephone Number: [REDACTED]

ANNEX**YOUR RIGHT OF APPEAL – THIS IS IMPORTANT**

The information sheet published by the Planning Inspectorate gives details of how to make an appeal <http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>

If you want to appeal against this Enforcement Notice you can do it: -

- a. Online at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- b. By getting enforcement appeal forms by:
 - i. telephoning The Planning Inspectorate on 0303 444 5000; or
 - ii. by emailing The Planning Inspectorate at enquiries@planninginspectorate.gov.uk

You **MUST** make sure that The Planning Inspectorate receives your appeal **BEFORE** the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter.

You should include: -

- i) the name and address of the local planning authority;
- ii) the site address;
- iii) your address, and
- iv) the effective date of the enforcement notice.

The Planning Inspectorate **MUST** receive this **BEFORE** the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

THE GROUNDS OF APPEAL ARE:

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) That planning permission ought to be granted for what is alleged in the enforcement notice.
- (b) That the matters alleged to have occurred in the enforcement notice have not occurred.
- (c) That those matters (if they occurred) do not constitute a breach of planning control.
- (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the enforcement notice.

- (e) The enforcement notice was not properly served on anyone with an interest in the land.
- (f) The steps required to comply with the requirements of the enforcement notice are excessive, and lesser steps would overcome objections.
- (g) The time given to comply with the enforcement notice is too short.

Not all of these grounds may be relevant to you.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Upon submission of an Appeal, the Secretary of State (at the Planning Inspectorate) may prescribe the procedure which is to be followed when deciding the Appeal; may require Cherwell District Council to publicise that Appeal and to make a submission on behalf of the Council; may alter or quash the Enforcement Notice; and may allow in whole or part or disallow the Appeal.

FEE PAYABLE FOR THE DEEMED APPLICATION

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £4,056.00. You should pay the fee to the Cherwell District Council (made payable to Cherwell District Council). Joint appellants need only pay one set of fees.

Please note: If you want the planning merits of the development to be considered – known as the “deemed planning application” - you must plead ground (a) and pay the fee for that application to the local planning authority when making your appeal. If this is not done, the planning merits and any subsequent ground (a) appeal cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

WHAT HAPPENS IF YOU DO NOT APPEAL

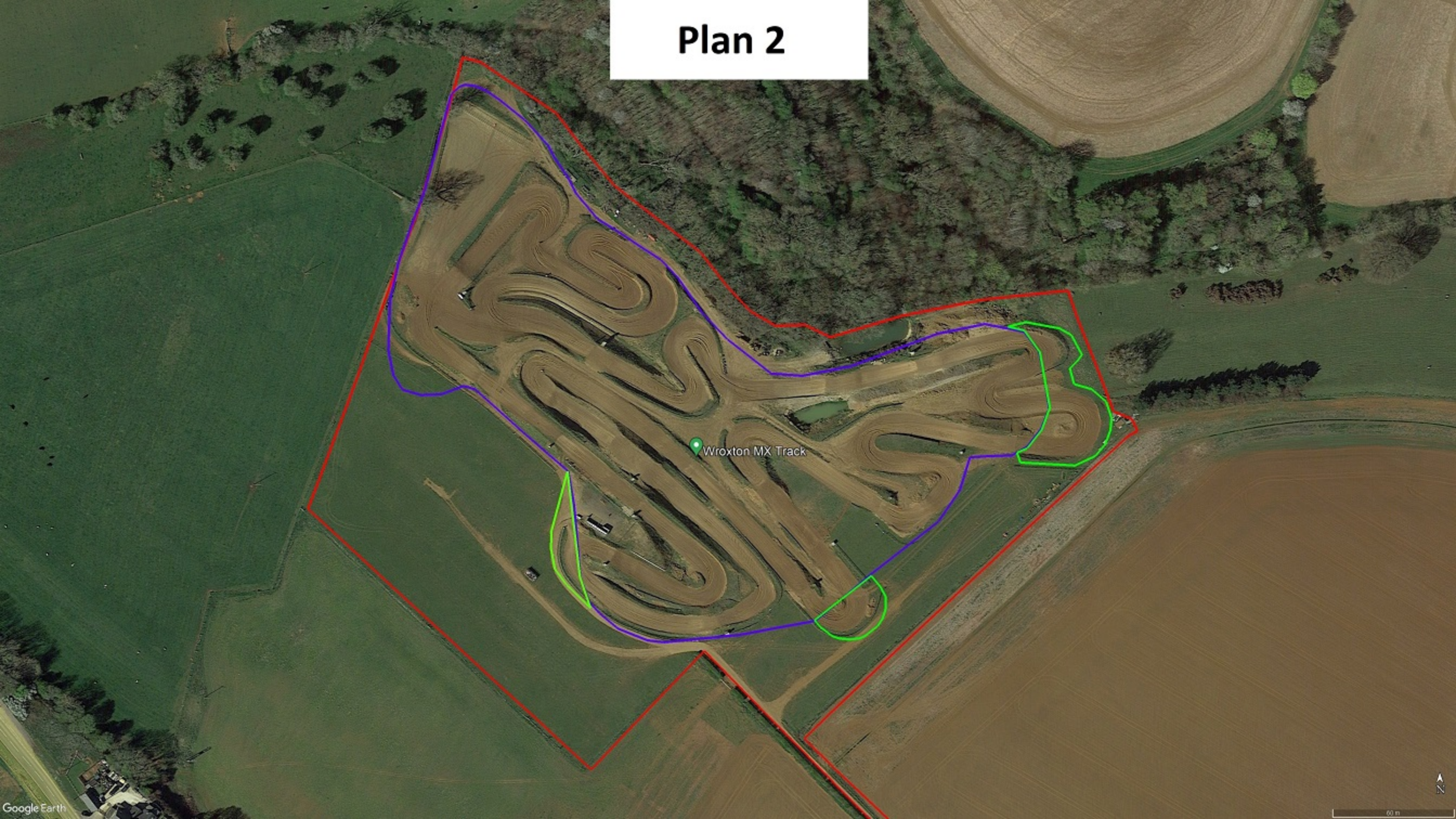
If you do not appeal against this Enforcement Notice, it will take effect on **1 January 2024** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in this Notice.

Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

Plan 1 (location plan)



Plan 2



Wroxton MX Track