

# Land-based Motor Sports

## Introduction

This issue of the Planning Bulletin looks at land-based motor sports, an extensive and varied cross-section of disciplines that attracts many participants, officials and spectators across the country, particularly at weekends. These disciplines are some of Britain's most successful sports in terms of numbers of world champions and high-ranking participants and many of the best-known drivers and riders are household names. To underline motor sports' popularity it should be noted that the Network Q Rally of Great Britain annually attracts over two million spectators.

Every weekend hundreds of club events are held at a local level providing sporting activity for thousands of participants and spectators. Corporate hospitality has also embraced motor sports in a big way and many opportunities to try an activity are offered by commercial organisations using established race tracks such as Brands Hatch and Oulton Park or at newer indoor and outdoor facilities. The motor sports industry employs around 50,000 full-time and 100,000 part-time workers in Britain and is therefore a major economic force.

Despite the large number of people who regularly take part in motor sports these activities are all too often perceived as 'minority sports' that are a nuisance and difficult to control – hence they can be susceptible to negative planning policies. Most motor sport is occasional and mobile and mostly invisible to the planning process. Consequently these activities can become marginalised and problems do arise, not only in acquiring suitable new sites but also in retaining existing sites. This bulletin seeks to redress the balance by providing information on the motor sports themselves and the policies and issues that affect them. More specifically it:

- summarises the various types of motor sports and their governing bodies
- summarises site requirements for the main disciplines
- identifies the main planning issues affecting motor sports
- summarises the principal Government, Sport England and other policy guidance
- provides a planning appeals database perspective by looking at a range of motor sport-related appeal decisions.

### Motor sports

This bulletin focuses on competitive motorcycle and motor car activities organised through the relevant governing bodies and club structures, and on commercial facilities that provide corporate hospitality or 'fun' events. Other more recreational activities, such as trail riding and driving, are not covered here but information on these activities can be found in the documents listed at the end of the bulletin. Similarly, water sports, air sports and hovercraft activities are not covered in this bulletin but will be considered in a later issue.

Various governing bodies are responsible for the organisation and administration of the majority of land-based motor sports in Great Britain:

- Royal Automobile Club Motor Sports Association (known as the MSA)
- National Autograss Sport Association (NASA)
- Auto-Cycle Union (ACU)
- Amateur Motor Cycle Association (AMCA).

More than 700 motor clubs are registered with the MSA which organises over 4,000 events a year in 22 different disciplines, most activities being at a local, low key level. Over 30,000 individuals hold MSA competition licences and there are estimated to be at least 100,000 competitors, as young as eight years of age in some disciplines. NASA has around 6,000 members with 10 classes including juniors between the ages of 12 and 16.

The ACU has over 600 clubs in 20 regional centres in England, Wales and the Isle of Man, with riders as young as six years of age able to participate in certain youth events. Nationally, around 50,000 competitors and officials are actively involved in two-wheeled motor sports, a number that has remained constant for several years. The AMCA is responsible for organising amateur motocross and works closely with the ACU to establish Regional Motor Sports Federations and develop local multi-use facilities for motor sports.

The datasheet *Planning and Provision for Motorsports* in the Sports Council's *Facilities Factfile Planning and Provision for Sport* published in 1992 provides details on 11 main competitive motor car disciplines and 10 main competitive motorcycle disciplines. These are listed in the following table together with the basic site requirements for each activity.



Motor car sports		Motorcycle sports	
Discipline	Basic site requirements	Discipline	Basic site requirements
Road racing	Purpose-built or modified circuit with sealed surface	Road racing	Purpose-built or converted circuit with sealed surface
Off-road racing	Unsealed surface, usually grass or stubble; uses short oval circuit with 15m wide track and barriers	Grass track racing	Flat oval or kidney-shaped grass or stubble course 500-1,000m in length; usually on agricultural land
Sprints	Straight flat, sealed surface course over 800m in length (normally an airfield)	Sand racing	On seashore (beach), with marked out continuous circuit
Hill climbing	Course including steep gradients (normally sealed surface)	Motocross (scrambling)	Off-road circuit of half mile to two miles in length, often with purpose-built jumps and banks; fencing and paddock areas. Uses agricultural land, rough land, quarries and moorland
Autocross	Smooth grass or unsealed surface circuit 600-1200m in length	Trials	Low speed event with skill sections on rough terrain sites including quarries, woodland and moorland
Rallycross	Longer laps than autocross, combination of sealed and unsealed surfaces, usually located at motor racing circuits such as Lydden or Brands Hatch	Sprints	Straight flat, sealed surface course over half a mile in length (normally an airfield)

Motor car sports		Motorcycle sports	
Discipline	Basic site requirements	Discipline	Basic site requirements
Kart racing	100-250cc karts on sealed surface circuit of under 1.5 km (short course) or over 1.5 km (long course); usually adapted airfields, or new purpose-built circuits, such as Three Sisters, Wigan	Hill climbing	Course including steep gradients (normally unsealed)
Rallying	Variety of stages including public highways, off-road areas and race circuits. Single venue and special stage rallies use the above and Forestry Commission and Ministry of Defence land, airfields and private estate land	Arena trials	As for trials above, but with artificial obstacles either outdoor or indoor; includes playing fields, small stadia, large indoor arenas
Drag racing	Purpose-built or modified track with sealed surface; quarter mile straight track with run-off needed	Drag racing	Purpose-built or modified track with sealed surface; quarter mile straight track with run-off needed
Trials	Test events or production and modified cars on small, private off-road sites with varied terrain and steep slopes; usually private agricultural land. Classic and four-wheel drive trials may also include use of the public highway	Enduros	Long-distance time and reliability trial on course up to 60 miles in length; mixture of on- and off-road sections with stages commonly on Forestry Commission and MoD land
Autotests	Flat, sealed surface areas of less than one hectare, for example car parks, airfields, industrial sites.		

The facilities required for motor sports are as varied as the sports themselves. Some activities, such as commercial kart racing can take place in large converted warehouses or similar buildings. However, most motor sports take place outdoors, some utilising purpose-built tracks such as Brands Hatch, Silverstone or Oulton Park and others using agricultural or Forestry Commission land on a temporary basis. Between these two 'extremes' are those motor sports sites with a permanent appearance as a mixed-use site, possibly combining grazing land with occasional and/or regular motor sports activities.

When considering planning issues relating to motor sports it is important to realise that these activities are not newcomers to the sporting scene. The ACU was founded in 1903 when the Automobile Club of Great Britain and Ireland (now the RAC) set up a department to look after the interests of motorcyclists. Cross-country races, using ordinary roads and involving cars and motorcycles, took place in the last years of the nineteenth century and world famous events such as the Isle of Man TT (Tourist Trophy) and the Indianapolis 500 began early in the twentieth century (1907 and 1911 respectively). Motocross began in 1927 as a form of cross-country race that would be a 'rare old scramble', hence the English name for the sport of scrambling. Motorcycle speedway in its present form began in Australia in 1926, whilst karting is a more recent innovation, dating from 1956 in the United States.

The Motorsports Facilities Unit (MFU), jointly funded by the MSA and the ACU with Sport England support, has recognised the value of motor sports' heritage by

creating the Heritage Motor Sports Directory which grades all sites that have been in use for 10 or more years. Grade one sites have been used for 50 years or more, grade two sites between 40 and 49 years and so on down to grade five sites which have been used between 10 and 19 years. The directory currently lists 64 grade one sites in England, Wales and the Isle of Man.

### Planning issues

Most motor sports activities operate within the scope of the general permission granted by the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This permits use of any land, subject to a number of specified exclusions, for any purpose for not more than 28 days each calendar year, of which not more than 14 may be for 'motor car and motorcycle racing, including trials of speed, and practising for these activities'. This allows the temporary use of open land for 14 days for motor sports racing or practice and 14 days for other motor sports activities such as training or other non-competitive events. In fact most clubs appreciate that some sites cannot support 14–28 days of motor sport use a year and work to self-imposed limits much lower than would legally be allowed.

A number of local planning authorities have misinterpreted the scope of the GPDO exemptions and restrict all motor sports usage of land to 14 days a year. However, such an interpretation is at odds with paragraph 6.18 of the DETR research paper *The Effectiveness of Planning Policy Guidance on Sport and Recreation* which was published in September 1998.

This paper makes the distinction between 14 days for competitive events and 14 days for training and suggests that most motor sports activity operates under the GPDO exemption.

Proposals for new or improved motor sports facilities raise a number of common issues that are instrumental in determining the outcome of a planning application or appeal. These are summarised below:

Noise

All motor sports vehicles are, by definition, powered by some form of engine so noise disturbance is frequently of concern to local planning authorities and residents. Racing disciplines are usually noisier than other activities such as trials which are often inaudible.

This concern is recognised by the sports' governing bodies which stipulate stringent requirements for all vehicles taking part in competitions or practice days before events. All vehicles taking part in events or practice for events are subject to inspection by 'sound inspectors' licensed by the appropriate governing body. Vehicles that fail inspection are excluded from competition or practice until they can satisfy the relevant requirements. Details of the various noise requirements can be found in governing body handbooks or standing regulations and are summarised in the Motoring Organisations' Land Access and Recreation Association (LARA) document *Motorsport and the Planning Process* (see Further Reading section). Information can also be found in the publication *Guidance Notes on Noise Control at Motor Sports Circuits* produced by the Association of Motor Racing Circuit Owners (AMRCO) and the MSA.

Traffic

Although major motor sports events can attract large numbers of spectators, a typical club event will normally attract only a small number of competitors and spectators, often less than 100 people. However, the rural location of many motor sports venues can result in the increased use of narrow country lanes. Governing bodies, therefore, recommend close cooperation with the police to select suitable routes to and from venues.

Sustainability

The principles of sustainability may appear at odds with motor sports activities but the governing bodies have taken major steps to put them on an environmentally-friendly footing. For example, the ACU has produced an Environmental Code that sets out a series of requirements for each event and which are inspected by an

'environmental official'. Such codes can go some way towards satisfying local concerns over the potential impacts of motor sports on local vegetation and wildlife and visual intrusion, particularly in designated areas (see below).

**Designated areas** Designated areas such as National Parks, Areas of Outstanding Natural Beauty (AONBs) and Sites of Special Scientific Interest (SSSIs) can present significant constraints to motor sports. For example, the temporary use of land for motor sports allowed by the GPDO does not now apply in SSSIs and planning permission is therefore required for such use. In principle, however, there should be no blanket ban on motor sports activities in these areas. Each potential motor sports use in a designated area should be considered in terms of its impact on the environment, and only where there are clear conflicts with the primary purpose of that area should motor sports be subject to restrictive planning policies.

**Image** Despite the best endeavours of the governing bodies, clubs and individuals motor sports activities are still perceived by some as unacceptable land use in virtually all areas. This is partly due to the unauthorised activities of some riders and drivers who use rough land without permission, often disturbing local residents. It is also due to lingering misconceptions concerning the nature of motor sports and those who participate in the various disciplines.

Much good work has been carried out in recent years by LARA and the governing bodies to produce information for the planning profession and codes of conduct and codes of practice for the motor sports themselves. Additionally, guidance notes produced by bodies such as MSA/AMRCO (see Further Reading) are valuable tools to help ensure that planning decisions are informed by accurate background information on motor sports.

Training events such as the Motorsports in the Countryside: Myths and Realities conference held by the Royal Town Planning Institute East of England Branch in September 1998 go some way towards removing the barriers between planners and participants. Individual meetings between motor sports clubs and planning officers are equally important and LARA has been instrumental in advising clubs and planners in this area.

**Policies and guidance**

PPG17 (Sport and Recreation) is unambiguous in its guidance on motorised sports: 'where there is a clear demand for noisy sports activities, it is important that planning authorities seek to identify sites which will minimise conflicts with other uses..... Suitable sites can be found; they could include degraded land, former minerals sites or set-aside farming land which meet all of the criteria.'

In practice, there appear to be few examples where local planning authorities have taken such a positive approach to planning for motor sports. Most development plans that do address motor sports or the wider category of 'noisy sports' tend to be negatively worded and resist such uses in principle. In other cases policies are criteria-based and appear more reasonable although the practical application of

such policies can be equally negative. The DETR report *The Effectiveness of Planning Policy Guidance on Sport and Recreation* makes the following recommendation in relation to motor sports:

'Positively worded criteria-based policies should establish the legitimacy of providing for motorsports at strategic level (in structure plans). (At local level motorsports would fall within the generic policy on sport in the countryside at R.30). Local authorities should also be encouraged to liaise with LARA where specific issues emerge over the use of land for motorsports. Codes of practice, which place emphasis on respect for the environment, should be implemented locally. (Given the above approach the term 'noisy sports' could be removed from the guidance.)'

Examples of development plan policies are given in the following boxes.

**Cheshire Replacement Structure Plan – Policy TR11 Sports Nuisance**

Facilities for outdoor activities and sports which, because of their nature, can adversely affect the amenity of residents or users of public open space will normally be allowed only where all the following circumstances apply:

- a) it would not be within four hundred metres of a significant number of dwellings, a visitor attraction or other environmentally sensitive areas including conservation areas that would be seriously affected by the proposals;
- b) it would not cause unacceptable traffic congestion or generate traffic flows which would be harmful to the environment, particularly if there would be heavy traffic flows on a minor road through a village or past a significant number of houses;
- c) sufficient off-street parking is provided;
- d) it would not cause permanent damage to the environment and endanger people and property;
- e) there would be no conflict with agricultural interests.



### Kennet Local Plan – Policy SR 13 – Sport and Noise

Applications for new outdoor sports and recreation facilities likely to cause disturbance by way of noise and/or nuisance will not be permitted unless they:

- a) demonstrate the suitability of the chosen site;
- b) identify the methods for noise mitigation to be employed;
- c) provide adequate arrangements for the maintenance of the natural environment;
- d) pay particular attention to the impact of the proposal on the amenity of residents and other users of the countryside;
- e) demonstrate there will be no impact on the surrounding area through an increase in traffic;
- f) ensure landscape conservation, ecological and archaeological interests are protected.

### Warwick District Local Plan – Policy RL12 – Recreation in the Countryside

Use of the countryside for outdoor sport and recreation will be encouraged providing that activities are compatible with and sensitive to the rural environment. Proposals for the development of sports or other leisure activities likely to generate noise or disturbance will be assessed in terms of their impact on the rural landscape, compatibility with neighbouring and adjacent land uses, and proximity to other noise-generating uses in particular, and compatibility with other policies within this Local Plan.

Sport England’s *Land Use Planning Policy Statement* contains advice on ‘noise-generating sports’ and a policy that will ‘seek to ensure that proper consideration is given to the needs of noise-generating sports in land use development plans.’ Within development plans, it seeks policies that:

- include positively worded criteria for site selection rather than operate a general presumption against development
  - seek to ensure that proposals will minimise conflicts with other users and interests
  - are based on a sound assessment of the adequacy of existing sites and the demand for new and extended ones
  - seek to ensure that, whenever possible, existing degraded or brownfield sites are used that will minimise environmental impact.
  - allocate sites for noise-generating sports where their environmental impact can be minimised
- Other advisory documents produced by the Sports Council in the 1980s and 1990s contain information

on motor sports that is relevant today. These documents are detailed in the 'Further Reading' section at the end of this bulletin.

The LARA *Motorsport and the Planning Process* document has been produced to guide planning professionals and motor sport event organisers and will be updated on a regular basis. Appendices to the main document include information for planning officers on the main types of motor sports including a description of the activity, the type of track or resource required, numbers of participants and spectators and noise control measures. LARA is also establishing contact with every planning authority in England and Wales and taking part in the plan making process.

At a more local level, many local authorities have now produced district sport and recreation strategies that can contain non-land use based guidance and policies on all types of sports including motor sports. Although the primary purpose of such strategies is to coordinate and develop sport, it is nevertheless important that motor sports are recognised in strategies and that links are made to statutory development plans. The emerging cultural strategies which the Government wishes to see in place in all local authorities within three years will also have a role in promoting sports (of all kinds) as a means of delivering wider government initiatives such as health, education and social inclusion.

### Planning appeal decisions

Sport England's planning appeals database currently contains 111 decisions involving motor sports, almost half of which (46) concern karting. Twenty-three of the decisions apply to the South West region, 17 to the East Midlands region and 15 to the South East region. The more urbanised North West, West Midlands and Greater London regions have only 16 decisions between them. The motor sports represented in the database decisions are summarised below.

Sport	Number of decisions
Karting	46
Motor racing	13
Motocross	21
Motorcycling	4
Quads	6
Speedway	4
Stock car racing	2
Motorsports (undifferentiated)	3
Four x four driving	3
All-terrain vehicles	3
Banger racing	2
Buggy racing	3
Drag racing	1

The percentage of motor sports cases allowed (32%) is consistent with appeals generally, although the likelihood of success in designated areas such as Green Belts and Areas of Outstanding Natural Beauty is much lower, with less than a quarter of cases allowed.

Thirty-six of the motor sports decisions on the database are the result of enforcement action by the relevant local planning authority. Twenty-eight (78%) of these cases were dismissed, a slightly higher percentage than for enforcement cases generally (70-74% dismissed between 1989 and 1994). Of the eight enforcement cases that were allowed or partially allowed, three related to indoor facilities, two related to uses on large airfield sites and one related to the use of part of the Brands Hatch motor racing circuit. Nineteen of the dismissed enforcement cases were on former agricultural land or land with a mixed agricultural and motor sports usage. This demonstrates that Planning Inspectors appear more willing to countenance motor sport uses on previously developed land than on agricultural land which could revert to farming activities. This view is supported by the fact that 65% of non-enforcement motor sport cases involving agricultural land were dismissed.



The following planning appeal decisions have been included to demonstrate the key issues that influence the decision making process and the eventual outcome of each case. The cases are drawn from five regions representing five motor sports disciplines and include two allowed cases and three dismissed cases. A further motor sports case (Richmondshire DC) was included in an earlier bulletin *Planning Obligations for Sport*.

**Use of land for motor sports**  
**Stratford-on-Avon District Council**  
**August 1993**

**Appeal ref: APP/J3720/A/92/214635**  
**Decision: Appeal dismissed**

This appeal concerned a site known as Avon Park Raceway which was located at the Long Marston Airfield, to the south of Stratford-on-Avon in Warwickshire. The old airfield had accommodated drag racing for a number of years and the appeal proposals sought to retain the existing use and associated buildings within the framework of a planning permission. The Inspector identified the following main issues in his report to the Secretary of State:

- the ability of conditions to ameliorate the impact of the motor sports on the local environment
- the appropriateness of the development in policy terms
- the public safety implications of the proximity of the development to a British Gas high pressure gas main.

In visual terms, the Inspector felt that the provision of earth bunds would effectively soften the impact of a number of unattractive buildings on the site, particularly as there were few views of the site from publicly accessible points in the surrounding area.

Given the extremely high levels of noise which some drag racing vehicles could generate, the Inspector considered the issue of noise disturbance in detail. Reference had been made by noise consultants to BS 4142, which applies primarily to noise from industrial premises. However, the Inspector felt that this standard was of doubtful applicability to the drag racing noise which was of limited duration. The noise emanating from the site would be attenuated by the distance between the site boundary and the nearest dwellings. Additional earth bunds would also be needed to reduce the noise from the 'unsilenced' drag racers.



A series of conditions, several of which concerned noise, was put forward by the council. The Inspector was generally satisfied with the suggested conditions, with the exception of those involving noise attenuation bunds, details of which had not been submitted with the application. He felt it would not be proper to cover the provision of such bunds by a condition requiring a scheme to be submitted for approval as this would not meet the tests provided in Circular 1/85 (*The Use of Conditions in Planning Permissions* – now superseded by Circular 11/95).

The impact of the motor sports use on local highway conditions would not be unacceptable, the Inspector felt, despite an occasional inconvenience to local residents.

The Inspector next considered the policy implications of the development and found that 'this is a case where local and national policy does not give clear and unequivocal guidance as to the acceptability of the proposal.' The development plan suggested that the use would be acceptable in principle, provided its adverse effects could be controlled. Given that the site was an old airfield rather than unspoilt countryside the visual impact of the motor sports use and its associated buildings was acceptable. In terms of the impact of drag racing on the surrounding area in other ways, particularly noise, the Inspector was clearly influenced by the GPDO provision for 14 days of unrestricted motor sports use in any one year, even though the presence of permanent structures on the site would have restricted those rights. The control of noise through a condition and the restriction of use to 30 days a year convinced the Inspector that the motor sports use of the airfield could coexist with the surrounding land uses.

Having concluded that the main issues could be satisfactorily addressed, the Inspector addressed the final issue of public safety relating to the high pressure gas main which ran under the track. Although the risk was statistically small, the Inspector was not satisfied that the issue had been convincingly addressed by the appellants. He therefore dismissed the appeal although he did indicate that a motor sports use of the site could be acceptable in principle, providing the issues of public safety and noise attenuation through bunding were properly addressed.

A subsequent planning application wherein these concerns were addressed was approved and drag racing continues for a maximum of 30 days a year. Crucially, communications between the council's planning officers and the racing organisers is now good with regular meetings of the main parties. Key points to emerge from this case are:

- The use of an airfield in the countryside for motor sports activities has clear advantages in policy and practical terms over a greenfield site.
- Conditions controlling aspects such as noise attenuation must be seen to be acceptable in terms of Circular 1/85 (now 11/95) that is necessary, relevant, enforceable, precise and reasonable.
- The influence of GPDO use rights when considering more permanent use of a site.
- The need to establish good communications between motor sports organisers and planning officers.



**Use of agricultural land for motor racing**  
**Arun District Council**  
**May 1997**

**Appeal ref: APP/C/95/C3810/640200-02**  
**Decision: Appeal allowed**

The appeal involved three enforcement notices and the refusal of planning permission for the continuation of a motor racing use and associated structures on a site in West Sussex. The site, known as the Oval Race Track, had been used for motor racing since 1972, initially utilising the 14 days per year permitted by the GPDO and, after 1984, with temporary planning permission when permanent works on the track had meant that the GPDO rights were no longer applicable.



The validity of the enforcement notices was challenged on a number of grounds including the extent of the planning unit. The race track itself formed only a part of the site indicated on the plan attached to the enforcement notices, the remainder of the site being agricultural land with occasional use for vehicle parking in association with race days. The Inspector concluded that the council had correctly identified the planning unit, as the agricultural land/parking area was ancillary to the motor racing use and that there was 'no clear, permanent physical separation between the parking area(s) and the rest of the fields.'

A further challenge to the validity of the notices concerned the incorrect identification of the breach of planning control. The first notice alleged a material

change of use 'without planning permission' to use for, inter alia, motor racing. However, temporary planning permission had been granted for the use of the site for motor racing. The council claimed that a change of use had occurred by reason of intensification. However, the Inspector considered that the intensification of use that had taken place (not directly referred to in the decision letter) did not amount to a material change of use. After consideration of other matters the Inspector concluded that the first notice was materially defective, could not be corrected without causing injustice and should be quashed.

In considering the Section 78 appeal and the deemed applications in respect of the remaining enforcement notices, the Inspector identified the main issue to be

whether the use complied with the development plan and, if it did not, whether an assessment of other material considerations (including noise and disturbance and the planning history of the site) would indicate that permission should be granted.

As with the previous case, the development plan was not particularly helpful in dealing with this type of land use. The local plan was not, in principle, opposed to the use but the structure plan policies referred to 'quiet, informal recreation' in the countryside, which was sufficient to convince the Inspector that the motor sports use in that location did not comply with the development plan. That conclusion was, however, affected by the fact that the development plan did not directly address the issues raised by the motor sports use. Such a use would be very difficult to site satisfactorily in a built-up area and PPG 17 did suggest that a motor sport site could be appropriately sited in a rural area.

Turning to the other material considerations the Inspector considered noise and disturbance to be the main environmental issues. He felt that the noise of motor racing could be irritating and then went on to consider the number of days per year on which the track had been used in the past. Temporary permissions had been granted in the past for 14 days of usage per year and the current appeal sought a similar period. Although concerns were raised by the council and by local residents about the enforceability of a condition to restrict the number of days of use per year and the number of hours of use per day, the Inspector felt such conditions were commonplace and easily enforced.



In granting planning permission, subject to conditions, for the use to continue and quashing two of the three notices (the third notice relating to the retention of certain ancillary buildings was corrected, amended and upheld), the Inspector noted that there was a demand for the facility '... which gives recreation to a significant number of people. Many of them are not "local" in the usual sense of the term. That does not mean that their need for recreation can be ignored. It seems to me that the nature of this type of recreation is such that venues are relatively few, and that it is common for people to travel an appreciable distance to take part in events.' The conditions attached to the permission restricted the use of the track to motor racing only on not more than 14 days a year. On each day of use the activity was permissible only between 1130 and 1800 hours, with a 45 minute period before and after use to allow vehicles to be moved on and off the site. The key points to emerge from this case are:

- The lack of specific development plan policies on motor sports uses.
- The imposition of stringent conditions restricting the motor sports use to the same number of days as allowed by the GPDO.
- The recognition by the Inspector that there was a demand for this type of facility which was met by relatively few other facilities.

October 1999

Use of agricultural land for motocross  
West Lindsey District Council  
October 1997

Appeal ref: APP/C/96/N2535/645395  
Decision: Appeal dismissed

The site of the subject of this enforcement appeal was about eight hectares in area and 8km from Market Rasen. The enforcement notice required the cessation of the motocross use of the site, other than any temporary use allowed by the GPDO, and the removal of temporary structures and fencing, tape and netting which marked the track.

One of the grounds of appeal was that no material change of use had taken place as agriculture continued as part of a mixed use of the land, albeit an agricultural use which consisted only of cutting the grass once a year and using it as fodder. The Inspector did not accept this view, however, finding that the main purpose of the grass cutting was to maintain the land in a condition suitable for vehicle parking in association with the motocross.

The appellants also appealed under grounds (c) and (d) (that no breach of planning control had occurred and that no enforcement action could be taken). The Inspector examined the level of use of the site for motocross, noting that the site was included in the Heritage Motorsports Directory as having 14 years use. The council argued that the level of use before 1993 did not exceed the GPDO limits.

The Inspector stated that to succeed under ground (d) 'a use of the land in excess of the number of days allowed for by the GPDO should have occurred continuously for the period of 10 years preceding issue of the notice.' The recent Panton and Farmer case throws doubt on this interpretation of the legislation insofar as the continuity of use is concerned, although the two cases are not directly comparable. The information on the use of the land supplied by the appellants was not conclusive to the Inspector and therefore the appeal also failed on grounds (c) and (d).

In considering the deemed application for planning permission, the Inspector was strongly influenced by the site's location within the Lincolnshire Wolds AONB. He felt that the level of use above the GPDO limits would significantly harm the character and appearance of the area and the effects of noise on an adjacent dwelling were also unacceptable.





LARA was represented at the inquiry and suggested the creation of a set of management rules as a way forward. However, the Inspector felt that many of these rules would be difficult to enforce. Additionally, he was not convinced that the loss of this site would lead to unauthorised and uncontrolled motocross use elsewhere in the area, concluding that the environmental harm caused at the appeal site overcame the benefits to participants in the sport. He therefore dismissed the appeal and upheld the notice, which did allow the motocross use to remain within GPDO limits. Key points to emerge from this case are:

- The failure of the ‘mixed use’ argument due to the limited nature of the agricultural activity.
- The difficulty of securing a permanent motor sport venue in an Area of Outstanding Natural Beauty.
- The willingness of the local planning authority to allow the motocross use to continue, within the GPDO limits, despite the permanent appearance of the track.

**Continuation of kart racing without complying with condition**  
**East Devon District Council**  
**July 1998**

**Appeal ref: T/APP/U1105/A/96/265978/P4**  
**Decision: Appeal dismissed**

The appeal related to a long-established motor sports circuit on land at the Dunkeswell Airfield, a former



military airfield within the Blackdown Hills AONB. The AONB was designated in 1991 in the knowledge of the karting and flying use of the site.

The condition in dispute sought to decrease the number of Saturday practice days, to increase the number of Sunday race days and to establish commercial leisure karting three days a month between April and October. The motor sports use had a long and complicated planning history which will not be considered here. The Inspector identified the main issue in this appeal to be the impact of the proposed changes on noise levels and the consequent harm to the AONB and living conditions of local residents.

The council and the appellant appeared to agree that the proposed leisure karting activity would be unlikely

to cause noise problems and could be 'severed' from the remaining parts of the proposals. However, the Inspector was not satisfied that he had sufficient information to issue a split decision.

Much of the Inspector's decision letter dealt with evaluating the likely impacts of the increased number of race days and the decreased number of practice days, particularly in terms of noise and traffic. The Inspector stated that 'it was agreed that subjective judgements come into play. Much depends upon the perception, tastes and tolerances of those affected.' The evidence pointed very clearly towards an increase in noise disturbance to local residents if the appeal proposals went ahead. Despite indications that the increased karting use would have local economic and social benefits and proposed new noise regulations from the MSA that would become mandatory in 1999, the Inspector dismissed the appeal. Key points from this case are:

- Resistance to an increase in motor sport activity where local residents would be detrimentally affected.
- Resistance to increased motor sport activity in an AONB, despite the existence of the site before the AONB was designated.
- The Inspector's reluctance to rely on the future implementation of noise regulations without firm evidence of their impact (evidence which should have been supplied by the appellants to assist their case).

**Use of site for motocross/scrambling and construction of metalled track, pit lane and paddock area**

**Crewe and Nantwich Borough Council**

**June 1999**

**Appeal ref: T/APP/X/98/K0615/003015**

**Decision: Appeals allowed**

This case involved two applications for Certificates of Lawfulness and one Section 78 appeal at the Hatherton race track in south Cheshire. The site had been used for motorcycle scrambling since 1945 and regularly hosted national and international events, many of which were televised. The council had issued a Certificate of Lawfulness but it did not include all of the land historically used by the club or ancillary uses applied for. It also restricted the number of days of usage. Planning permission for the metalled track had been refused twice.

The borough council accepted that motor sports had taken place on the site for many years, but they did not believe that sufficient evidence had been put forward to support the physical extent of the planning unit nor the nature and frequency of the activities which had taken place.

The Inspector accepted the appellants' proposed planning unit which included an area regularly used for motorcycle sport in the past but only occasionally in the past ten years. Reference was made to the Panton and Farmer case which held 'that the

introduction of the 10 year rule in the Lawful Development Certificate provisions of the 1991 Act did not remove immunity gained under previous legislation. Such use rights could only be lost by evidence of abandonment, by the formation of a new planning unit or by being superseded by a further change of use. A use which was merely dormant or inactive could still be "existing" so long as it had not been extinguished in any one of those three ways.'

A large body of evidence was submitted by the appellant to support the claimed nature and frequency of uses. The evidence went back over 50 years during which time the borough council had been aware of the use and had not pursued any enforcement action. Though the frequency of events held on the site had varied over the years, the

Inspector considered that the certificate should permit the number of events per year up to the maximum number of days that had occurred over that period, rather than the average of those events over the past 10 years as the borough council had proposed.

Turning finally to the Section 78 appeal for the metalled track, the Inspector considered its acceptability in terms of the development plan, the impact on local residents from noise and disturbance, the effect on traffic and the effect on agriculture and the character and appearance of the countryside. In making an assessment of these matters the Inspector recognised that there were no existing planning controls over noise levels, the nature and frequency of events or the number and types of vehicles associated with the established lawful use.



Perhaps of most interest to this bulletin is the reference by the Inspector to the Cheshire County Replacement Structure Plan Policy TR11 (see above). This criteria-based policy attempts to strike a balance between environmental and sporting interests. In this case the Inspector felt that the new track would not substantially tip the balance away from environmental interests. The Inspector was also satisfied that, subject to the imposition of suitable conditions to control the number, frequency, duration and levels of emitted sounds of noisy events in the future, the living conditions of nearby residents would not be harmed by noise or disturbance.

The Inspector allowed all three appeals and issued an appropriately worded Certificate of Lawfulness and granted planning permission for the metalled track.

The borough council has subsequently challenged elements of the decision by way of a judicial review which is, as yet, undetermined. Key elements of this decision include:

- In Certificate of Lawfulness cases the onus of proof is on the appellant who is best placed to identify the nature and scale of activities.
- An understanding and recognition of the established and lawful use by the Inspector and the use of appropriate conditions by the Inspector to control noise.
- The relevance of the Panton and Farmer case to decisions of this type.
- The value of a criteria-based development plan policy on motor sports (or countryside sports generally).



**Further reading**

AUTO-CYCLE UNION (1999)  
*1999 Handbook*  
ACU

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT  
AND THE REGIONS (1999)  
*The Effectiveness of Planning Policy Guidance on  
Sport and Recreation*  
HMSO, ISBN 1 85112 092 0

ELSON, BULLER, STANLEY (1986)  
*Providing For Motorsports – A Handbook for  
Providers – Research Study 29*  
Sports Council

ELSON, BULLER, STANLEY (1986)  
*Providing for Motorsports – From Image to Reality –  
Research Study 28*  
Sports Council

LAND ACCESS AND RECREATION ASSOCIATION  
*Motorsport and the Planning Process: Best Practice  
Guide Notes for Event Organisers and Planning  
Professionals*  
LARA

LAND ACCESS AND RECREATION ASSOCIATION (1997)  
*The Heritage Motorsport Directory – 5th Edition*  
LARA

LAND ACCESS AND RECREATION ASSOCIATION(1998)  
*The Motorsport and Recreation Directory –  
2nd Edition*  
LARA

LAND ACCESS AND RECREATION ASSOCIATION (1998)  
*The Potential Facilities Database – 1st Edition*  
LARA

[ROYAL AUTOMOBILE CLUB] MOTOR SPORTS  
ASSOCIATION/AMRCO  
*Guidance Notes on Noise Control at Motor Sports  
Circuits*

[ROYAL AUTOMOBILE CLUB] MOTOR SPORTS  
ASSOCIATION (1995)  
*National Plan for British Motorsport*  
MSA

SPORT ENGLAND (1999)  
*Land Use Planning Policy Statement*  
Sport England

SPORTS COUNCIL (1992)  
*Facilities Factfile 2. Planning and Provision for Sport –  
Planning and Provision for Motorsports*  
Sports Council

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[www.english.sports.gov.uk](http://www.english.sports.gov.uk)

[Royal Automobile Club] Motor  
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[www.acu.org.uk](http://www.acu.org.uk)

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[www.acu.org.uk](http://www.acu.org.uk)

The following additional websites were searched in preparation of this bulletin:

Land Access and Recreation Association: [www.acu.org.uk/lara.htm](http://www.acu.org.uk/lara.htm)

UK Motorsport Index: [www.ukmotorsport.com](http://www.ukmotorsport.com)

The appeal decision letters referred to cannot be made available by Sport England or Steven Abbott Associates. Readers wishing to obtain copies are advised to contact the Planning Inspectorate.

### **Sport England mission statement**

Sport England aims to lead the development of sport in England by influencing and serving the public, private and voluntary sectors. Our aim is:

- **more people involved in sport**
- **more places to play sport**
- **more medals through higher standards of performance in sport**

Sport England is the brand name of the English Sports Council which is the distributor of Lottery funds to sport.

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