

MOTOR SPORT AND THE PLANNING DEVELOPMENT REGULATIONS
(The 14/28 Day Rule)
An Organiser's Guide

(Revised November 1998)

All land within the UK is subject to planning constraints; the rules of which are, fundamentally, to be found in the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). Note: the GPDO covers England and Wales With separate arrangements in place for Scotland and Northern Ireland. Essentially, what this means is that a site is categorised, by planners, for a particular type of use and that any change to that use of the land requires planning permission.

Within the General Development Order (GDO) there are provisions made whereby certain changes may be permitted without the need for making a planning application to the local planning authority. These provisions are known as **Permitted Development Rights (PDR's)**, and are contained within Part 4, Class B, of Schedule 2 of the GDO.

This provision says that: *"The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use,"* constitutes permitted development.

This is known as the 14/28 day rule.

This is **not** permissible if

- 1) the land is a building or is within the curtilage of a building,
- 2) the land is to be used for a caravan site,
- 3) for the display of an advertisement, and
- 4) the land is within a Site of Special Scientific Interest (SSSI) and the use is for motor sport, clay pigeon shooting or wargames.

These restrictions are set out in Class B.1. and such developments require planning permission.

Class B.1. is **important** for organisers of motor sport events because;

- a) you may not organise an event on land which is, or is a part of, a SSSI, and
- b) you may not have people caravanning overnight,

without planning permission.

Class B.2. allows for;

- a) the holding of a market, and
- b) motor car and motorcycle racing including trials of speed, and practising for those activities.

Remember, Class B.2. activities are limited to 14 days per calendar year.

It is important to realise that 28 days is the total permissible allocation of change of use and that no more than 14 days of those 28 may be for Class B.2. activities.

What is not appreciated by many organisers is that when the land is not being used for motor sport, but where changes of use still exist, they count towards the total allocation of days.

Case example: Sunday:- Off-road motor sport event.

: Saturday:- Organising club arrives on site, locate some portaloos, a control caravan (not for sleeping in overnight!) and, of course, the track is laid out.

The Saturday is also a change of use. As is **every** day that those features above remain on site.

The digging of course features is not permitted at all. This is because such operations are classed as engineering works and require planning permission, even if the operations are done voluntarily by the organising club's members, and with the landowners permission. Therefore, the building of jumps, the creation of banks, and the erection of crash barriers etc, are all engineering operations which require planning permission.

The biggest problem LARA faces, with regard to giving clubs advice on the GDO, is that at the end of the day it is down to the interpretation of planning officers, and the extent of public reaction to the use of the land for motor sport, that determines the longevity of the site running without planning permission. A club may have been organising events for years with no idea that they are in contravention of the above regulations and have never heard from the local authority. However, society is constantly evolving, and it is now increasingly common for a local authority to become involved once they receive a complaint from a third party. If it finds that the club is in breach of any part of the GDO then the local authority will have no option other than to prevent further events from taking place: it is also likely that prosecutions, via an Article 4 Notice (or similar), will result.

When organising an event it is, therefore, of the utmost importance that the organising club does not contravene the GDO Regulations and that serious consideration is given to local residents and other countryside users. It is not a good idea, consequently, to set out an event near to housing where the sounds, aromas and, possibly, dust arising from the running of the event will cause annoyance at least, or make life intolerable at worst.

The same might also be said in relation to Rights of Way, etc. In simple terms, it is not permissible for any event to substantially interfere with the public right to use a Right of Way.

Planners, and legislators, already have enough powers of recourse available to stop our sport if they consider a club has acted unreasonably, or has contravened planning regulations. In such circumstances it is unlikely that the Local Authority will treat a club with much sympathy. Rather, they will use the planning system to determine whether the club can continue on their site and, once at the mercy of this the club will need all the evidence and expertise they are able to muster if they are going to emerge with any future use.

PERMITTED DAYS OF USE

TYPE OF EVENT	14 DAYS	28 DAYS
Autotest	*	
4WD Promotional Events		*
Autocross	*	
4WD Trials		*
Car Trials		*
4WD Timed Trials	*	
Competitive Safaris	*	
All other 4WD Events	*	
Motorcycle Trials		*
Moto Cross	*	
Karting	*	
Enduros	*	
Grasstrack	*	
Beach Cross	*	
Hare & Hounds	*	
Gymkhanas		*
All Car Rallies	*	
A.T.V. (All Terrain Vehicles)	*	
Rally Cross/Super Moto	*	
M/C Road Race, Drag, Sprint, and Hill Climb	*	

THE DO'S AND DON'TS OF THE PDR'S

DO'S	DON'TS
<p>Do record all days of use. You may need this for reference in any Planning Application, or other action brought about by a local authority or environmental agency.</p>	<p>Don't put a circuit too near residential properties. As a rule of thumb allow at least 250 metres. In particular, do not site a start area near residential properties.</p>
<p>Do register the facility with the LARA Heritage Motor Sport Directory once it is 10 years old.</p>	<p>Don't leave track markings in situ between race days. This is storage and, as such, constitute a change of use.</p>
<p>Do use common sense when determining how many of the 14/28 days to use. It may be best to start with just a few days in year one and increase the days gradually over each successive year.</p>	<p>Don't leave jumps, or other track features, in situ between race days. They can be interpreted as engineering works or constructions.</p>
<p>Do remember that a setting up day is a day of use.</p>	<p>Don't use all 14/28 days per year, just because you can. Assess the local area by researching potential problems such as local residents, access, and environmental land designations.</p>
	<p>Don't use overloud PA's or allow a loud disco on the Saturday evening of a 2 day meeting (see also LARA/MFU Noise Guidance leaflet).</p>