

Planning Department

Our ref: 10908

Wiltshire Council
Monkton Park Offices
Monkton Hill
Chippenham
SN15 1ER

BY ELECTRONIC SUBMISSION VIA PLANNING PORTAL

22 September 2026

Dear Sir / Madam,

Certificate of Lawfulness for an Existing Use – use of land as Moto Cross track, Widdington Farm, Upavon

On behalf of Mr Darren Pennington, we are submitting a certificate of lawful development for an existing use on land at Widdington Farm, Upavon. We demonstrate that the land outlined in red on the accompanying Site Location Plan, has been continuously used as Moto Cross (MX) Track in excess of 10 years.

In support of the application, we submit the following documents:

- Site Location Plan;
- Land Registry details;
- Sworn affidavit from the applicant (Mr D Pennington) containing:
 - Aerial images showing the site between 2002 and 2026;
 - Images of event programmes for MX events held on the land dating back to 1994
 - Images from Facebook posts referencing historic photographs
 - Statements from neighbouring residents and users of the site
- Application Form.

This letter forms part of the formal application as the planning (legal) statement.



Description of the land/site

A Moto Cross (MX) track currently exists on the land and is bounded by post and rail fencing, whilst the land is accessed via a set of newly installed gates (the subject of a separate planning application). The land is located to the south west of Upavon village and is accessed from a country lane from the A345.

The site itself has no associated planning history.

The Amateur Motor Cycle Association (AMCA) purchased the land in 1997. Prior to this date, and since, the land has been consistently used as a MX track with various meets and events held throughout each year across a large period of time. Upavon MXC was incorporated on 14th May 2008 and was then dissolved after the applicant purchased the land from the AMCA in 2025.

There is extensive evidence online to demonstrate that the track has been in place for a large number of years and its regular use is reflected through various accounts, website references, collections of programmes etc (some of which are submitted alongside this application).



Figure 1 – identified land with MX track



Planning Law and Guidance

With respect to the use of the land as a MX track, this land will be considered under paragraph 171B (3) of the Town and Country Planning Act 1990 (as amended) and subsequently will be subjected to the 10-year rule.

Paragraph 191 (2) of the Town and Country Planning Act 1990 states that uses and operations are 'lawful' if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in force.

No enforcement action has been taken by the Council on this site.

As the ten-year period has been exceeded, no enforcement action is possible against the continued use of the land as a MX track at Widdington Farm.

Planning Practice Guidance on Lawful Development Certificates advises that *'the applicant is responsible for providing sufficient information to support an application'*. In this case, the onus is on the applicant to demonstrate on the *'balance of probabilities'* that the use of the land as an MX track was in operation on the material date, being 10 years before the date of this application, and that it has continued throughout the 10-year period.

The Planning Practice Guidance also advises that *'in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability*'. (Our emphasis added).

Evidence

Accompanying this application are the following:

- (1) Statement of Declaration from the applicant and current owner Mr D Pennington.
- (2) Dated evidence and accounts which detail the use of the land as a MX track.
- (3) Aerial images showing the site between 2002 and 2026.
- (4) Statements from neighbouring residents and users of the site
- (5) Location plan
- (6) Land registry details



Statutory Declaration

The statutory declaration of Mr D Pennington confirms that the land has been used as a MX track for at least 24 years and, in actuality, for closer to 40 years.

The use of the land is outlined below.

Use of the land as an MX track

As is mentioned above the land has been regularly and consistently used for a number of decades as a MX track, submitted evidence indicates that this stretches back to at least 9th October 1994. Throughout this time, the track has been used by the following organisations:

- Andover Moto-X-Club
- Cirencester & District Moto X Club
- Faringdon & District MCC
- Amateur Motor Cycle Association (AMCA) – used for numerous track days
- Bristol Spartans MCC
- Motorcycle Industry Association (MCIA) – used to operate Motorcycle Off Road Riding Experience days (MORE)

Most recently by:

- Nora MX events,
- Hampshire Motocross Club
- Kensworth Schoolboy MX Club

As part of this application and included within the Statutory Declaration made by Mr D Pennington, a series of dated aerial shots from google earth and ESRI Living Atlas are provided to demonstrate the continued appearance and use of this area over time from January 2002.

Over this time the layout of the track and the extent of vegetation and has consistently altered – owing to the need to change the track layout for events/refresh the land from time to time and due to the time of year that some aerial shots are taken. Four of these images are shown below (**Figures 2-5**), the remainder are included at **Appendix 1**.



Figure 2 – Image of the land from 1/1/2002 (source Google Earth)

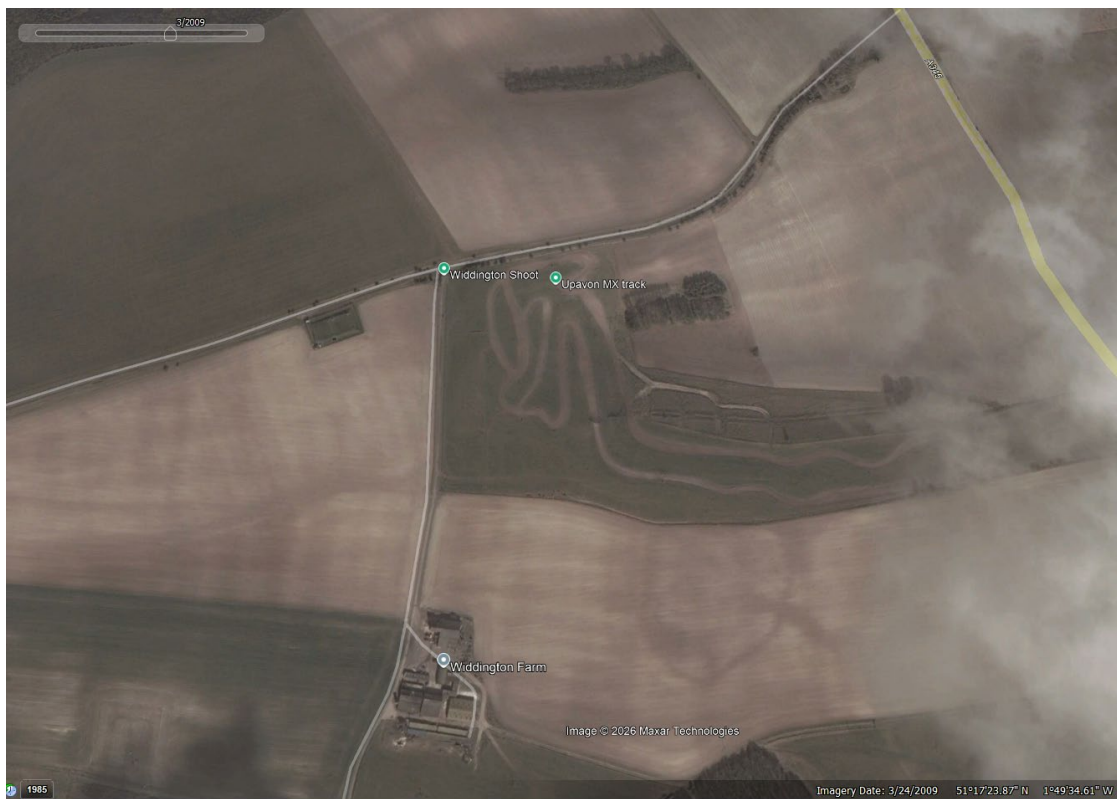


Figure 3 – Image of the land from 24/03/2009 (source Google Earth)



Figure 4 – Image of the land from 14/04/2015 (source Google Earth)

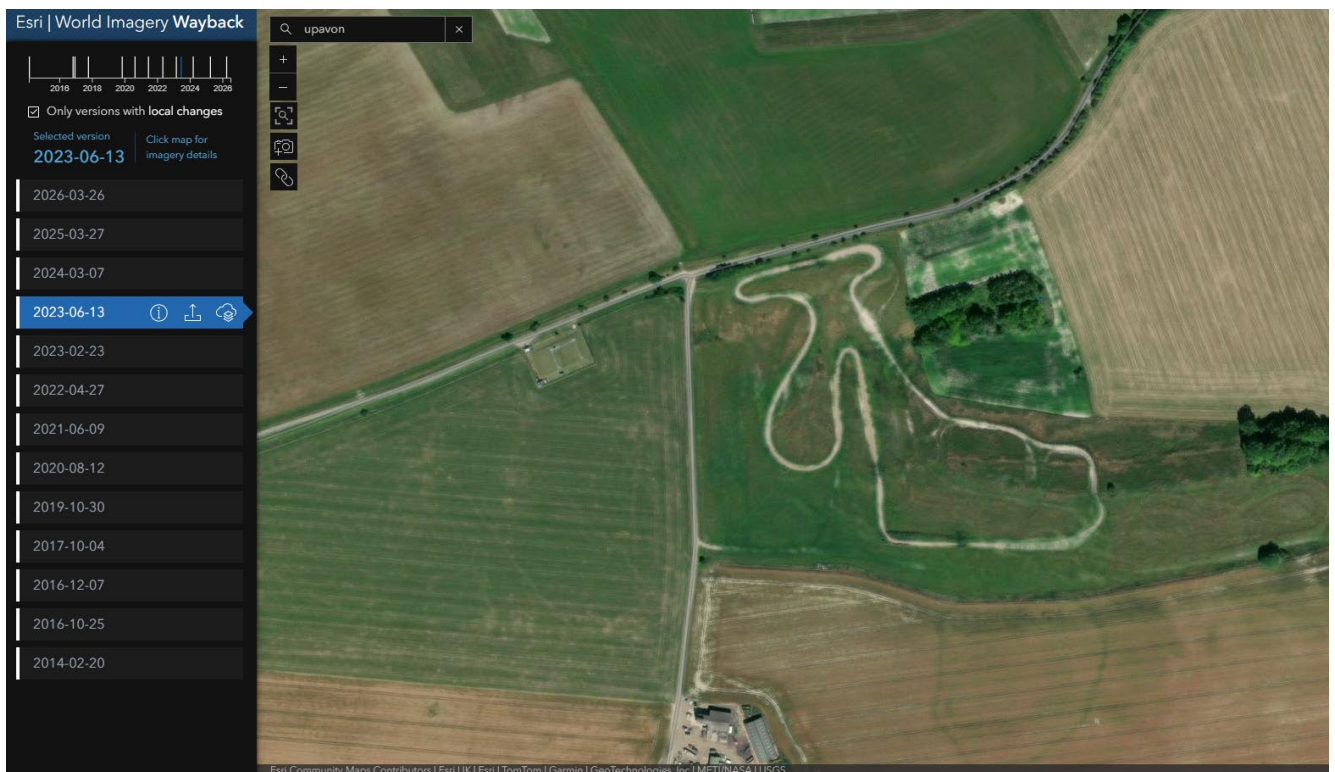


Figure 5 – Image of the land from 13/06/2023 (source ESRI – Living Atlas / World Imagery Wayback)



In support of the above, there is a raft of evidence across various sources online which demonstrate the consistent and continued use of the site. The website [Upavon - Dave's Programmes and Photographs](https://daveriley.weebly.com/upavon.html) houses a catalogue of programmes from events at the Widdington Farm track, these stretch back to October 1994 (as demonstrated by event programmes, some of which are included through **Figures 6 and 7** and further evidence of the use of the site and programmes from events is provided in **Appendix 2**).

AMCA NEWS

AMCA's ANNUAL GENERAL MEETING.

Among the proposals submitted for the AGM by the clubs are the following:
Increase the number of Championship rounds (at present 6)
Reduce Entry fees.
Remove the power of the Executive Committee.
Riders to be allowed to ride in non AMCA events without penalty.
Increase the late entry fee to encourage riders to attend clubs.
No awards for Day Licences at events.
Day licences to be limited to 3.
Clubs with less than 15 riding members to be linked with bigger clubs.
Reduce minimum age for moto cross to 15 from the present 16.
Freedom of choice for all riders throughout the Association throughout the season.
Closing date for proposals is 4th October, 1994, a full list of all proposals will be circulated after the closing date.

VETERAN & TWINSHOCK FIXTURES.

16th October Cleobury Mortimer at Detton - Veterans
23rd October Shrewsbury at Condover - Veterans
30th October Chard at Somerset - Twinshocks
27th November West Lincs at Bleak Hall Farm - Veterans & Twinshocks.

AMCA AREA QUALIFIERS

Area 2 - 125cc	SOU	Area 4 - 125cc	EL
Mark Spencer	MKT	Nicholas Mitchell	PUR
Wayne Fitzpatrick	CORR	Jason Palmer	EB
Barry Mortimer	LEIC	Paul Willis	SHEPP
Richard Gray	WAR	Jamie Wilson	ALT
Dale Gayson		Darren Noyes	
Area 3 - 250cc	LLAN	Area 4 - 250cc	STRE
Alan Bush	TV	Alex Hartley	SHEPP
Tony Wilcox	BRIE	Lance Marshall	MARS
Lee Harthill	CHV	Chris Payne	WS
Kevin Rogers	GLOU	Jonathan Lock	CHRI
Jamie Noonan		Warren Berthiaume	

AMCA INTER GROUP FINAL.

A reminder that the Annual event has been switched to November 6th at the Brownhills track and not 30th October.

REGISTERED OFFICE: 28 MILL PARK, HAWK'S GREEN LANE,
CANNOCK, STAFFS WS11 2XT
Telephone: 0543 466282 Fax: 0543 466283

ANDOVER MOTO-X CLUB PRESENTS

CHAMPIONSHIP CHILLER

AT WIDDINGTON FARM, UPAVON, WILTS
on
SUNDAY 9th OCTOBER, 1994

By Kind Permission Of Mr F. Trowbridge

OFFICIALS OF THE MEETING

SECRETARY OF THE MEETING	Paul Wilkins
CLERK OF THE COURSE	Eddie Goddard
CHIEF MARSHAL	Jeff Woodthorpe
COURSE MARSHAL	Non Riding Members
LAP SCORERS	Lolly, Deb, Tracey & Julia
FINISHER	Dave Collins
STARTER	Mike Humphries
SCRUTINEERS	Pete Woodthorpe, Nathan Goddard Richard Marshall & Greg Miles
ANNOUNCER	Tony Matthews
A.M.C.A. STEWARDS	Mike Humphries & Brian Holder
FIRST AID BY	St Johns Ambulance
DOCTOR	George

THE MID SOUTH GROUPS NEXT MEETING IS ON 16TH OCTOBER
AT CHRISTCHURCH AT CROW AND 20TH NOVEMBER AT
CIRENCESTER AT LITTLE CHEVERELL

Figure 6 – AMCA programme pages, identifying the use of the track at Widdington Farm, Upavon at an event held on 9th October 1994 (with thanks from David Riley and contributors' source:

<https://daveriley.weebly.com/upavon.html>)



Widdington Farm. Upavon.
Sunday 21st March 2010.

Upavon MCC.

Thanks to Andy Coombs for
supplying the programme.



upavon21mar2010.pdf
Download File



Widdington Farm. Upavon.
Richard Barry Memorial Meeting.
Sunday 17th April 2011.

Upavon MCC.

Thanks to Andy Coombs for
supplying the programme.



upavon17apr2011.pdf
Download File



Widdington Farm. Upavon.
Richard Barry Memorial.
Sunday 25th April 2010.

Upavon MCC.

Thanks to Andy Coombs for
supplying the programme.



upavon25apr2010.pdf
Download File



Widdington Farm. Upavon.
Richard Barry Memorial Meeting.
Sunday 6th October 2013.

Upavon MX Club.

Thanks to Andy Coombs for
supplying the programme.



upavon6oct2013.pdf
Download File



Widdington Farm. Upavon.
Sunday 27th February 2011.

Upavon MCC.

Thanks to Andy Coombs for
supplying the programme.



upavon27feb2011.pdf
Download File



Widdington Farm. Upavon.
Sidecars.
Sunday 6th April 2014.

Upavon MX Club.

Thanks to Andy Coombs for
supplying the programme.



upavon6apr2014.pdf
Download File

Figure 7 – AMCA programme pages, identifying the use of the track at Widdington Farm, Upavon at various events held between 2010 and 2014 (with thanks from David Riley and contributors' source: <https://daveriley.weebly.com/upavon.html> see **Appendix 2** for a set of dated programmes between October 1994 and October 2018)

In addition, a number of letters of support for the MX track and confirmation that locals have been aware of and/or used the track for a number of years is included at **Appendix 3**.

Current use of the site

The applicant confirms that the site is still used as a Moto Cross track, as follows:

- The site is only hired to MX Clubs that are affiliated to Auto Cycle Union (ACU) - the National Governing Body for Motorsport and Nora 92 Motorsport (Nora 92 Ltd) - the national governing and Road Traffic Act permitting body.
- Extensive risk assessments have been carried out at the track by ACU and Nora 92, and fully approved, which enables them to issue Permits to the clubs to fully insure the events.
- Full ambulance and medical teams are on site during racing events.
- A Contract is issued to the hiring club, outlining strict rules for safety, timings etc and signed by them.



- A racing permit must also be provided before any racing commences – without this permit being presented a club/rider is not allowed to race.
- Events are held over 1 or 2 days.
- So far this year (2026) events have been held on the site for Quads and Sidecars - Nora MX and for Solo's - Severn Valley (SVSSC Ltd), Hampshire Motocross Club, and Kensworth Schoolboy MX Club.

The applicant is committed to improving the appearance and security of the site and has undertaken the following improvements on the land:

- Continued track/circuit management – including restoration work following winter months. As part of this process, grass seeding was planned, but this has been delayed due to the adverse weather conditions experienced over the Spring/Summer 2026. The course will be re-seeded.
- Temporary safety fencing and temporary marshal points installed (as approved by ACU and Nora 92 Ltd). The marshal points are removable if required.
- Borehole installed to manage dust suppression on the site – helping to minimise impacts on Upavon village.
- Perimeter fencing and gates installed to improve the presentation of the site and for security/to keep trespassers out. The installed gates will be the subject of a separate application to regularise these.

Conclusion

In conclusion, this application proves, beyond all reasonable doubt, that the use of the land at Widdington Farm, Upavon and as set out within the red line plan submitted with this application, has been in use as a MX track in excess of 10 years, and continues to be used as such.

The facts are clearly set out within the signed affidavit, extensive online evidence and aerial imagery.

Therefore, in the absence of any other material considerations or facts to indicate otherwise, the application for a Certificate of Lawful Development – Existing Use should, on the ‘balance of probability’, be granted for the continued use of the land as a MX track.

Yours Faithfully

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Associate

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