



BURFORD TOWN COUNCIL

3rd January 2023

Application No: 22/03179/OUT

Land East of Barns Lane, Burford ("Cole's Field")

This is the formal response of Burford Town Council ("BTC") to the above application

We are strongly and unanimously opposed to the proposals contained in the application for the following reasons:-

- 1) First, on humanitarian grounds. We recognise that the Uplands Area Planning Committee ("UAPC") must make its decision on planning grounds but submit that such an important decision cannot be made in a vacuum devoid of context as it will affect, whichever way it goes, a significant number of individuals, their families and futures. Lord Denning once said "*The duty of the Courts is to dispense justice according to the law. Justice first and the law a poor second.*" We believe that the UAPC should adopt the same approach. This is the Fifth Battle of Cole's Field. In 2017/8 we persuaded WODC **not** to allocate Cole's Field for development in the Local Plan 2031. In 2018 an application (17/00642/OUT) by Carterton Construction Ltd was refused by UPAC. An appeal was lodged but discontinued when the applicant went into insolvent liquidation. In 2021 an application (21/02343/OUT) by Greystoke was refused by UAPC. In 2022 Greystoke appealed against that decision. The Inspector dismissed that appeal. During all these vicissitudes the residents of Burford, in particular those living closest to the site, had to endure not knowing what the future held for them, suffered planning blight if they wished to sell their property and wondered whether there would be room for them in the local surgery and for

their children in the local schools. In justice to the local population, this current application should be dismissed.

- 2) Secondly, in recognition of forthcoming changes in planning law. The Government has announced changes and embodied them in the Levelling Up and Regeneration Bill now ploughing its way through Parliament. Two of these changes directly impact the current application – the abolition of the requirement for a 5 year land supply and the abolition of mandatory national housing targets (in future they will be merely advisory). We contend that UAPC cannot ignore these pending changes although they will not have the force of law by the time UAPC has to make its decision. We submit that UAPC should consider what its decision would have been had these changes been in force when the decision had to be made and take that into account in arriving at its actual decision.
- 3) Thirdly, the incursion into the CAONB. This has always been a major plank in our objections to all previous schemes and remains so on this occasion. The applicant accepts that its proposals constitute a “major development” under the NPPF. It would destroy landscape and natural beauty and seriously interfere with wonderful views across open countryside from a number of public vantage points without any exceptional circumstances or exceptional public interest to justify the damage caused. We have seen the objection lodged by Cotswolds National Landscape and thoroughly endorse and adopt its arguments and conclusions.
- 4) Fourthly and similarly, the attack on the Burford Conservation Area. Burford boasts over 250 listed buildings and a major development like the one proposed would seriously and irrevocably impact on this heritage setting. The most important of these is the Grade 1 listed St. John the Baptist Church which is our Parish Church. There are gorgeous views of it from the A40, the A429 and the numerous footpaths which criss-cross the Windrush Valley which would be seriously interfered with by the 70 dwellings proposed by the applicant. The overall effect of the development would be to urbanise the Eastern edge of Burford with no countervailing advantage.

- 5) Fifthly, the problem of access. Vehicular access is proposed from Witney Street which is a narrow country lane subject to flooding and freezing. It is entirely unsuitable for the volume of traffic currently using it as it is a faster way into Burford than the A40/ High Street route which is regularly congested to a standstill. The proposed development would generate a substantial increase in traffic not only cars but, more worryingly, delivery lorries, garbage wagons and other HGVs. The junction of White Hill with the A40 would be upgraded from “dangerous” to “death trap”.
- 6) Sixthly, other infrastructure issues. The application makes no attempt to deal with the very real problems, presumably hoping that they can all be sorted out at the detailed application stage. But these are not mere details, they are major, real world difficulties and not even an application for outline consent can be contemplated without firm, viable plans for dealing with them:-
- Schools. Burford School, our Secondary School, is full to overflowing with a waiting list. Our Primary School is nearing maximum capacity. Neither has yet felt the impact of Cotswold Gate, the Shilton Road development, and the children it will generate when it comes fully on stream. Neither will be able to take the number of pupils generated by the applicant's proposals.
 - Medical facilities. We only have one surgery. As you will see from the NHS statement filed with you, it already has a “practice population” of over 7000. It cannot take more without significantly increased premises and staff.
 - Flooding. The bottom of Cole's Field adjacent to Witney Street and Witney Street itself floods regularly in heavy rain and, in the case of Witney Street, freezes. The applicant's Flood Risk Assessment (“FRA”) makes no mention of this and so no solution is offered. The residents of Witney Street and Orchard Rise are alarmed at the risk of increased flooding. The highly speculative and untested strategy put forward to deal with this gives them no comfort at all.

- Sewage. It is now common knowledge, known nationally thanks to Windrush Against Sewage Pollution, that Thames Water has illegally discharged untreated sewage into the River Windrush on innumerable occasions because the Sewage Treatment Works in Fulbrook are too small and have suffered years of under investment. The applicant offers no solution. It merely states that it will consult with Thames Water when the time comes – FRA Para. 4.63 et seq.

Although not an infrastructure point per se, this is the right place to flag up the position of the three houses in Witney Street immediately opposite the proposed access to the site. The water supply for those properties comes from springs on the properties which are, in turn, fed by water from the site. The owners of those three properties believe that the proposed development will destroy their water supply. The application is silent.

- 7) Seventhly, there is no “need”. A distinction must be drawn between those who would like to live in Burford and those who must. According to WODC’s Strategic Housing Officer (see his report filed with you) they number 18. A view must also be taken of the level of need even for those 18. If, to be “affordable”, affordable housing is set at 80% of open market value then, in Burford, affordable housing is £800k or more. What “need” does that meet? We have increased the affordable homes in Burford by 26 over the past 10 years with Falkland Close, Cheatle Court and Frethern Court. The 45 in Cotswold Gate have not all been taken up yet. With a single bus service, the 233, which does not run in the evening, any development in Burford increases car use contrary to WODC’s Climate Emergency policies.

In view of all of the above we urge you to refuse the Outline Planning Permission sought by the applicant. We submit that you got it right in 2018 and 2021 and that the Inspector got it right in 2022. We believe the applicant is forum shopping in the vain hope of finding an Inspector who might just lean their way. Stand firm!

Burford Town Council