

APPLICATION FOR PLANNING PERMISSION BY BURLINGTON  
DEVELOPMENTS LONDON LIMITED ("THE APPLICANT") TO  
THREE RIVERS DISTRICT COUNCIL ("THE COUNCIL")  
CALLED IN UNDER S.77 OF THE TOWN AND COUNTRY PLANNING  
ACT 1990  
RE. LAND EAST OF OXHEY LANE, CARPENDERS PARK

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APPLICANT'S OPENING STATEMENT

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1. Three Rivers District is a place where the national housing crisis is being experienced particularly acutely.
2. Its Council is currently able to demonstrate only a 1.2 year housing land supply - a shortfall of no fewer than 3,808 homes.
3. The Housing Delivery Test has been persistently failed over a series of years.
4. There is an overwhelming affordable housing shortfall - in 2023/24, *only three affordable homes were completed in the entire District.*
5. The Council has not had a 5 year housing land supply ("5YHLS") for at least 8 years, and the position is worsening. The shortfall is almost *1,000 homes more* than at the time of the Sarratt inquiry which took place in this very room just two and a half years ago.<sup>1</sup>
6. All of this is exacerbated by the Council's woefully out of date local plan and its glacial movement towards getting a new one in place.
7. Back at the time of the Sarratt inquiry (to which the Applicant was also a party), we were told the Council was working to have a new plan in place by the end of 2026 to deal with the long-standing planning and housing crisis in the District.

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<sup>1</sup> See the subsequent decision of Inspector Matthew Nunn at CD5.1.

8. Predictably enough, this has not transpired. The crisis has instead continued.
9. It has even necessitated the intervention of the Housing and Planning Minister, Matthew Pennycook MP, to direct the Council to include additional allocations in the Council's Regulation 19 plan – the Council's version of that plan having massively under-provided for housing.
10. Those additional allocations directed by Mr Pennycook included the application site.
11. The proposed development before you is consistent with and supported by that direction.
12. Yet the very day after the direction, the Council's Planning Committee in flagrant defiance of the Minister – and contrary to the clear recommendation of a comprehensive officer's report (the reasoning of which was backed up by two counsel opinions) that the proposed development was justified both as exempt Grey Belt **and** on the basis of Very Special Circumstances (“VSC”) – resolved to refuse planning permission for the proposed development.
13. Their rationale was not that it was premature to grant permission prior to the plan's examination and adoption (such an allegation would have been impossible to sustain in any event having regard to the provisions of NPPF para. 50 on prematurity).
14. It was an in-principle opposition to the development of the site.
15. A act of rebellion against the Planning Minister and the Council's own professional planning officers.
16. A paradigm of the well-documented failures of the planning system to put delivery over parochialism and politics.

17. Little wonder that Minister Pennycook saw this as the opportunity for the first use of his new policy on calling in schemes for 150+ dwellings that the Local Planning Authority proposes to refuse.
18. This first such case is an opportunity for you, and him, to send a clear message both to the Planning Committees both of this Council and up and down the country that they need to up their game.
19. A sea-change in approach is needed.
20. The kind of decision-making that has led here today, rather than getting on with delivering a development which should have been permitted months ago, has to stop.
21. A swift, decisive and emphatic decision to grant this application with a full award of costs against the Council in this first of the 150+ dwelling call-in cases is the only way to ensure the message gets home.
22. Anything less and Planning Committees will continue to think they can game the system for the sake of shoring up their votes from the vocal haves, at the expense of the silent have-nots.
23. The evidence before the inquiry from the hired guns brought into defend the Council's decision, and from the Rule 6 party who seek to deprive others of the privilege they themselves have of being fortunate enough to have a home in Carpenders Park, is just as flimsy as the Committee's original reasoning – notwithstanding the attempt to retrofit additional reasoning which the Committee itself did not have in mind.<sup>2</sup>

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<sup>2</sup> It will be important to bear in mind the legal requirement on LPAs under Article 35(1)(b) of the DMPO that *"where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision"*. The requirements for putative reasons for refusal cannot sensibly be any less than for actual reasons for refusal, otherwise LPAs would benefit from failing to comply with their statutory duties to determine applications in time.

24. On the Grey Belt case for planning permission, the Council's opposition hangs by two threads:
  - a. the proposition that the situation at the southern boundary of the site means that the site "strongly" rather than "moderately" contributes to Green Belt Purpose A;
  - b. the proposition that the site is not a sustainable location for the purposes of NPPF paragraph 155(c).
25. These are the thinnest of threads upon which to hang an opposition to the application, and they cannot bear the weight the Council places on them.
26. On Green Belt Purpose (a), Ms Fitzgerald's analysis is based upon factual misunderstandings and a fundamentally flawed approach to the guidance set out in the PPG. See in particular Mr Allin's rebuttal.
27. On paragraph 155(c), the suggestion that the site is not sustainable is wholly untenable for the reasons set out by Mr Hamshaw and Mr Allin. It is also entirely inconsistent with the Secretary of State's direction to the Council to include the site in its Regulation 19 emerging local plan.
28. The Council accepts Mr Dawson's landscape concerns would not sustain a standalone reason for refusal if the proposed development is properly treated as exempted from inappropriate development by virtue of NPPF para. 155. For the reasons outlined above, it was and remains plainly wrong for the Council not to treat it as such.
29. Further, and in any event, the VSC case (which is only needed if the proposed development does not benefit from the Grey Belt exemption) is truly compelling.
30. The range and weight of considerations in favour of granting permission is broad and powerful: 256 new dwellings to help address the dire and chronic 5YHLS and HDT shortfall, including 128 desperately needed

affordable homes (over *40 times* the amount of affordable homes delivered *across the whole District* in 2023/24); 13 custom and self-build homes which would meet an agreed significant unmet need in a District which has *never* delivered a *single* custom/self-build home despite the long-standing policy and legal requirements in relation to such housing; 60 housing with care homes and a 4-bed children's home, providing for some of the most vulnerable people in society whose needs the Council is also not providing for; plus a range of other social, environmental and economic benefits.

31. The impacts are well contained and localised. Yes, there are some harms to the landscape and Green Belt, as is inevitable in relation to a greenfield development. But in the context of such colossal unmet needs and a total failure of local plan-making to address those needs, green field developments need to come forward now in order to start meeting those needs. They cannot be and will not be met on brownfield sites alone. Given that the District is washed over by Green Belt, some Green Belt is going to have to give way.
32. The site is not subject to any environmental or landscape designations, there will be no impacts on Footnote 7 assets and areas of importance (other than Green Belt), and as the photomontages in Mr Evans' evidence show (see in particular the 15 year images in his rebuttal appendices), the development once it is built out and its landscaping is established will read as a continuation of Carpenders Park, as the case officer himself noted.
33. The benefits of the proposed development thus clearly outweigh the harm to the Green Belt and any other harms such that VSC exist. The Council's evidence to the contrary is threadbare; the Rule 6 party's is non-existent given they do not offer any planning evidence at all.

34. For these outline reasons, as shall be elaborated during the inquiry, the Applicant shall in due course invite you to recommend, and the Secretary of State to decide, that planning permission be granted.

**CHARLES BANNER K.C.**

**Keating Chambers  
15 Essex Street  
London WC2R 3AA**

**1<sup>st</sup> July 2026**