



BURLEY HOUSE FIELD

The story of a long campaign with a successful
outcome for the village community.

By
John Gundry

Preface by Nigel Clayton

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PREFACE

Nigel Clayton,

A Chancery Barrister with Kings Chambers, Manchester and Leeds.

The story of Burley House Field could easily form the screenplay for a 'Working Title' production. It certainly has all the right ingredients:

The setting – an attractive Yorkshire village

The players – the quirky but fearless village committee pitted against the might of the City Council

The plot – the 10-year battle in the face of overwhelming odds to stave off the inexorable Canute-like tide of development

The style – relaxed, serious, inspirational, funny, heart-warming, tear-jerking (well it drove me to tears at times)

The outcome – fortunately all 'Working Title' productions have a happy ending!

The thing is, in a round-about sort of way, that this encapsulates precisely what has gone on in Burley over the last decade or so.

As you read John Gundry's detailed account – and there is no other way of simplifying what has been an extraordinarily complicated affair - you may be forgiven for wondering how things could ever get this far and how the village has managed to face up to the professional clout of Bradford City Council and snatch victory from the jaws of defeat. The answer, perhaps not surprisingly, is that it has been due to the dedication and support of a handful of villagers, the resourcefulness and commitment of the Burley Community Council and above all, the direction and single-mindedness of John Gundry himself who has masterminded the whole operation with Montgomery-like precision.

And yes, while there have been some funny moments along the way, the village has also lost several of its older residents who were so passionately committed to this project but who sadly passed away before the future of the field could be secured.

Burley is a large community with a real sense of character, and it is right that its residents should be primarily responsible for the shape of development. You will see that at the end of his note, John has opened the future of the field to public debate. I do hope you will take the opportunity to contribute to this and indeed other worthy projects in and around the village which I am sure will present themselves over the years.



An aerial view of the Burley House Field as it was in the 1980s. The curve of Bradford Road ends at the old junction by Burley House. Sandholme Drive development took place in the mid 1970s.

Picture from Wharfedale Newspapers.

BURLEY HOUSE FIELD

John Gundry

The present eight acre field runs from the boundary of Burley House in the north to the back gardens of Sandholme Drive in the south, with Bradford Road to the east and the back gardens of St Phillips Drive, St Phillips Way and a high wall along Langford Lane forming the boundary to the west. A public footpath runs east west across the field between two stiles three-quarters of the way down the field and Woodhead Beck enters near the western stile, forming part of the western boundary until it cuts across the field and runs under the Bradford Road. There is a farmgate and kissing gate on the corner of Langford Lane, another farmgate near the Bradford Road stile and various private gates from individual gardens. Just north of the footpath are the remains of a ha-ha* and a hedge and there are relics of another ha-ha running across the field from the Langford Lane gate. There are several substantial trees, including three cherries planted to commemorate the coronation, a copper beech, a black Italian poplar and some whitebeam. There are also many thistles, nettles, brambles and hawthorn, and outbursts of Himalayan Balsam.

The ha-has and the specimen trees suggest that the field was landscaped as part of the setting for Burley House when the house was first built, but it would also have been part of the home farmland and there were some farm buildings close to the Langford Lane gate sixty or so years ago and there remains an ancient hand pump in the field. Early maps show the Woodhead Beck diverted to run the whole length of the field, and its course can still be traced continuing north along Langford Lane and joining Rushy Beck to help power the Corn Mill. A sluice mechanism, to control the flow, remains in the field. There is a rudimentary bridge across the beck halfway down the field and various unofficial, but well used, footpaths criss-crossing the field.

The Tithe map of 1847 and more recent maps show the hedge-line along the southern ha-ha, dividing the northern field, Broad Ing, from the much larger (twenty acre) Sandholme field to the south. In the Ilkley Local Map, drawn up after the war, Broad Ing is shown as Educational Land,

***Ha-ha is a sunken fence or wall, marking the boundary between a garden and parkland without interrupting the view.**

However the pressure to develop was strong and there were applications for permission to build on Sandholme and surrounding land in 1959, 1964, 1966 and 1970 and eventually permission to build on the land which is now the Sandholme Estate was granted in 1973. A minute of the Ilkley UDC recorded the understanding that Broad Ing would be redesignated as Public Open Space to replace that part of the Sandholme Public Open Space about to be built on, thus hoping to make all eight acres of the present field Public Open Space. A separate application to build on the present field was formally lodged and refused and the landowners then required Ilkley UDC to buy the land from them which Ilkley duly did, at housing land prices, on 25th March 1974. They recorded that the land was being acquired for Public Open Space purposes, but an application for a government grant under Section 8 of the 1966 Local Government Act was not successful. The UDC ceased to exist at the end of March and Burley House field was acquired by Bradford Metropolitan District Council, along with the UDC's other assets, on 1st April 1974. Neither Ilkley UDC nor Bradford MDC formally declared the land to be Public Open Space at the time and this designation has since dropped out of use. Because it was bought at a housing land value, Bradford officers have subsequently assumed that it was bought for housing purposes, whereas that price had had to be paid specifically because housing development had been refused and the vendors thus deprived of their chance to sell it as building land. The land was let for grazing through a series of less than one year licences..

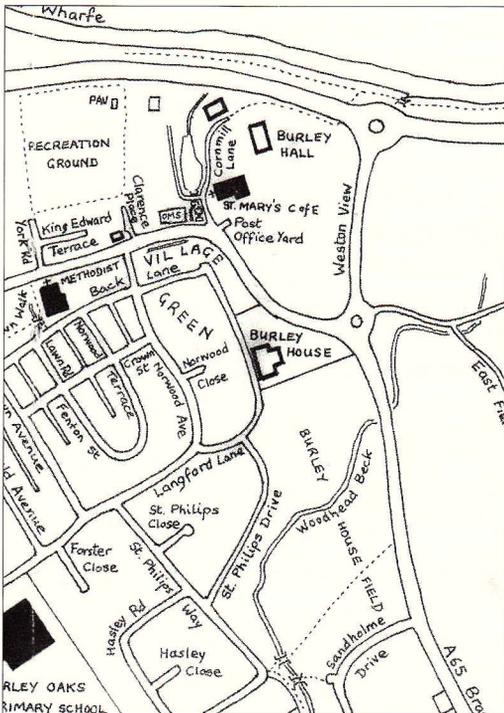
The permission to build on Sandholme granted by Ilkley UDC in 1973 was subsequently varied by Bradford and work on the Sandholme Estate started in 1975. This was amid allegations that the Ilkley Parish Council had not been properly consulted, that work started prematurely, that trees subject to preservation orders and planning conditions were unilaterally felled, and that other conditions about access from Bradford Road and the density of housing had been flouted. Bradford's Chief Executive carried out an internal enquiry and concluded, in February 1976 that there was no evidence of any impropriety but there had been a number of administrative failures which had not seriously prejudiced anyone. Doubts remained in the village and the impression left that no organisation was effectively defending Burley's interests was one factor leading to the establishment of the Burley Community Council later in 1976.

Between 1981 and 1984 the Community Council put a series of

proposals to Bradford seeking assistance in refurbishing the Burley House field and bringing it into fuller recreational use. These came to nothing, primarily because it was thought that the field might be needed for road works if the Burley bypass cut between Church and village as was at one time expected. By 1984 Burley House, having been a school and then a pizzeria, had found new life as headquarters premises, but proposals from the new owners to extend their garden into the field and to enhance the remainder of the field for recreational use were also postponed pending decisions on the bypass.

It was known by 1992 that the river Wharfe was to be moved so the bypass could go round the church and mill and would not affect the field. Consultation Proposals towards the first Unitary Development Plan (UDP) for Bradford were published, including proposals allocating the northern half of the field for employment purposes and putting housing on the rest. Protests were made and the Draft UDP, released in 1993, deleted the employment proposals, but maintained the housing proposals on the southern half. 364 written objections concerning these proposals were lodged and

considered at the first of our five Public Inquiries.



Changes around Burley House Field since 1934 shown on the Burley street map, published in the Village Handbook 2008 by the Parish Council.

Changes in the pattern of roads following the building of the by-pass can be seen.

Woodhead Beck no longer flows down to Langford Lane.

The Village Green covers spaces left undeveloped north of Burley House while decisions about the road lay out were made.

1. Planning Public Inquiry, 1995.

This Inquiry, spread over the winter of 1995, also concerned proposals affecting other parts of the village. We won some of them, but got little joy on the Burley House field. We had argued against any housing and asked for confirmation of the field's recreational status. The Planning Inspector's Report upheld the housing allocation, on the assumption that the rest of the field was available for recreational use, (as shown in the evidence provided to the Inquiry by Bradford's Planning Section) but Bradford's Property Services Department decided otherwise, and despite a long and voluminous correspondence could not be persuaded that the field was promised as recreational land from at least 1974 and that at least the northern half should so be used.

2. Planning Public Inquiry, March 2003.

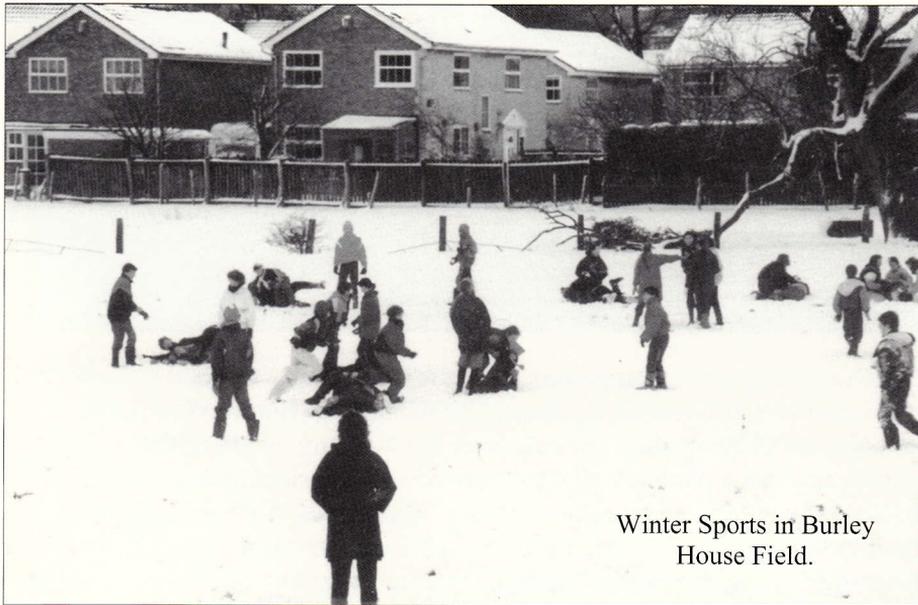
Bradford's proposed Replacement Unitary Development Plan (UDP) was published in 2000, repeating for Burley most of the proposals made in the original UDP, as revised following the first Planning Inquiry. Objections were made and representations were delivered at the end of 2002 and argued at a second Planning Public Inquiry in early 2003, with greater success. The Inspector recommended that the housing allocation should be cancelled and the whole field designated as Village Greenspace and Recreational Open Space. The Bradford planners accepted the recommendation, which was finally endorsed by Bradford Council in formal session on 18th October 2005. However Bradford's Property Services Department, who had become Asset Management in 2003, claimed that it merely limited their future use of the field and did not affect their current usage - indeed they entered into a more restrictive five year agricultural lease and proposed fencing both sides of the footpath to limit public access.

3. Village Green Public Inquiry, December 2003

Meanwhile, following our unproductive correspondence with Property Services, we consulted within the village and, encouraged by the response, the Community Council applied to register the whole field as a village green, despite the cost and effort and legal minefields likely to be encoun-

tered. It was believed to be eligible because it had been *"used by the inhabitants of Burley for lawful sports and pastimes as of right for more than twenty years."* The application was acknowledged by Property Services, acting as Registration Authority, in April 2000 but they did nothing with it until May 2003, some three years later, when the application was published. An objection was filed by Asset Management, as landowner, and arrangements made for a Public Inquiry in December 2003 before a leading London Counsel, Vivian Chapman, as Inspector.

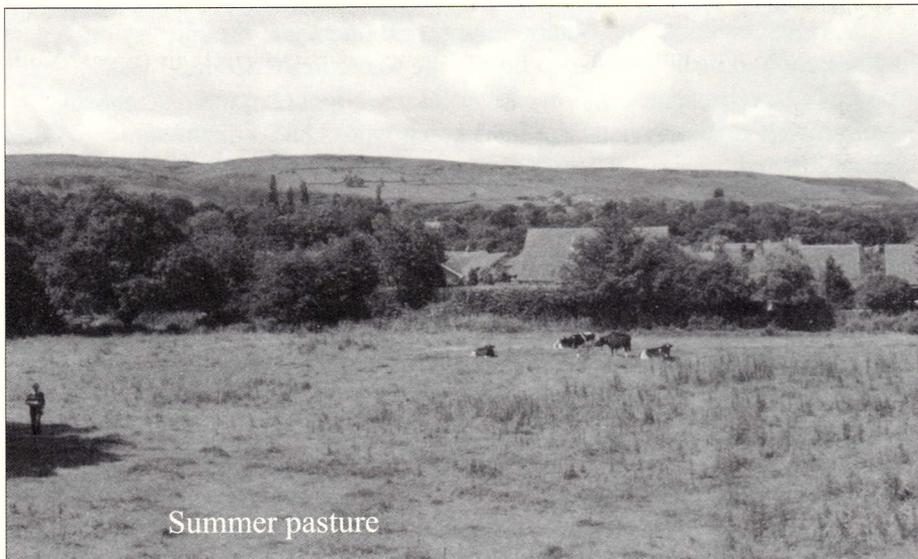
Various residents and others duly gave evidence at the Inquiry on how the field had been used since 1974. The Community Council was fortunate to be represented, at very low cost, by Nigel Clayton as Counsel. He had himself regularly used the field as a boy and had a detailed understanding of the issues. The Inspector, in the course of his 35 page Inquiry Report, concluded that the evidence established that the field had



Winter Sports in Burley House Field.

been used by the inhabitants of the parish of Burley, for lawful sports and pastimes (including dog-walking) neither by force, by stealth nor by permission of the landowner. On the legal precedents at the time the application was lodged, this would have been sufficient, but a complex legal decision in another case in the summer of 2003 showed otherwise by

ruling that if recreational use had been interrupted, for even a few days, by agricultural use, the recreational use was not "of right" and the application would fail. He considered the various agricultural activities which had, or were said to have, taken place and thought that most were compatible with recreational use, but found that the one incident of haymaking he believed had occurred in the early 1980s was sufficient to demonstrate that recreational use had deferred to farming use within the twenty years to December 2000, so hence the application failed.

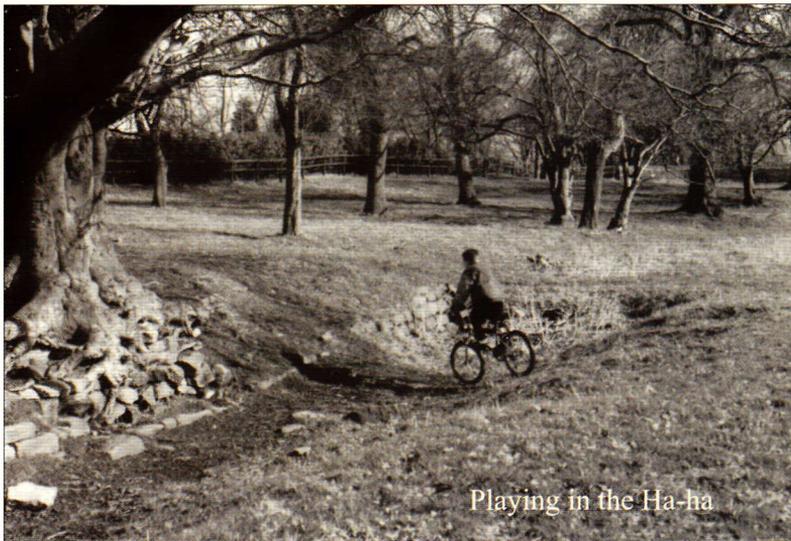


This was bitterly disappointing and the Community Council complained to the Local Government Ombudsman at Bradford's delay, claiming that if the Application had been heard at any time in 2000, 2001 or 2002, haymaking would not have entered into consideration and the application would have been upheld. The Ombudsman's officer refused to consider the claim as it was more than twelve months after the events complained of; the fact that no damage was apparent until the Inspector's ruling was known was not sufficient for her to extend the time limit concessionally. Complaint to the Parliamentary Ombudsman at the Local Government Ombudsman's lack of flexibility was considered, but not pursued!

4. Village Green Public Inquiry, January 2005

Aware of the threat of the alleged hay-making in "the early 80s", the Community Council lodged a second village green application in December 2003, claiming 20 years' qualifying unimpeded use of the field since the haymaking, and a Public Inquiry followed in January 2005. This went well, but soon after, a Court of Appeal decision in an Oxford case was published which radically changed the law and Mr Chapman felt obliged to follow this new interpretation and we again failed.

Asset Management's intransigence, particularly their threat to build fences excluding the public, seemed to us to be entirely improper, but efforts by our local Bradford Councillors brought no reward, so we applied by petition to Bradford Council in formal session. They listened and passed the matter to their Shipley Area Committee, who decided that the field should be transferred to the Burley Parish Council for recreational use. Asset Management claimed that this was not within the Area Committee's power so it was referred back to the Executive Committee, who duly ruled in December 2006 that the whole field should be used for informal public recreation, eventually under the management of the (then newly formed) Burley Parish Council. Negotiations to this end by the Parish Council were suspended pending the fifth Public Inquiry (see over) - we hope that they will be quickly resumed and soon completed.



Playing in the Ha-ha

5. Village Green Public Inquiry April 2009.

The Court of Appeal decision in the Oxford case was followed by an appeal to the House of Lords, who reversed the basic ruling; which was fine for the future, but did not help the many cases, such as ours, decided under the Court of Appeal decision. The Government slipped in some new clauses in the Commons Act 2006, enabling applications to be made for a limited period on a new time base, which we duly did, extending the life of the Community Council for this purpose. Mr. Chapman again returned to Burley and heard this third Village Green application in April 2009. Our witnesses were again assembled, Nigel Clayton again argued our case and this time Mr. Chapman was persuaded to recommend that Bradford should register the field as a village green. Registration was approved by the appropriate committee in September 2009.

The Community Council first proposed the refurbishment of the field for better recreational use in 1981. We have been arguing about its history and its usage ever since and only now do we seem to be reaching the end of the battle. We can now withdraw and pass the responsibility to the Parish Council, who will need to consider what needs doing to the field, now and in the future, how best it can be used and how the costs will be met. Many of those involved in the five inquiries want little change; we value the field as it is and we firmly don't want a sports field or a standard municipal park. What does the village think?

Do we want cattle, to keep down the grass and as a source of rent?

How do we tame the thistles and the nettles?

How best to cope with the dog dirt?

Some trees need resuscitation, but what, if any, successor and additional trees are needed and where?

The central bridge needs to be made safe; what needs doing to the stiles?

Should we improve the drainage and footage, particularly around the two main entrances?

Would an archaeological report on the ha-has and the sluice and pump be useful?

Thoughtful and/or financial contributions would be most welcome.

Any comments to John Gundry, 863141, 2, Rose Bank, LS29 7PQ.