

Anna Tidey
Planning Officer
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

29 July 2026

Dear Ms Tidey

Re: DM/26/1132 - Land Parcel to the North of Nos. 42 – 54 Hurst Road, Hassocks, West Sussex, BN6 9NL

I write on behalf of the Applicant, Mr Alfie Deyes with regard to the above application and the latest consultation response from West Sussex County Council's Rights of Way Officer dated 3 July 2026 which they raise no objection to the application.

I can advise that the Applicant has noted the comments from the Rights of Way Officer which states:

"Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed."

The Applicant wishes to highlight that the above comment should not be secured by way of planning condition as it would not meet the six tests required by paragraph 57 of the NPPF.

Paragraph 57 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1) Necessary;
- 2) Relevant to Planning;
- 3) Relevant to the development to be permitted;
- 4) Enforceable;
- 5) Precise; and
- 6) Reasonable in all other respects.

Each of these 6 tests need to be satisfied for each condition which an authority intends to apply. Any proposed condition that fails to meet one of the 6 tests should not be used.

The Planning Practice Guidance on the 'Use of planning conditions' states that *"Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning."*

It is therefore considered that the above comment from the Rights of Way Officer should not be attached as a condition as it would not meet the test of necessity or enforceability and is not relevant to planning.

Statutory consultees and other third parties can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. However, the decision as to whether it is appropriate to impose such conditions rests with the local planning authority.

It is therefore considered that the comment made by the Rights of Way Officer should not be secured via planning condition as it would fail the necessity and enforceability test and would not be relevant to planning in accordance with the six tests set out within paragraph 57 of the NPPF and the Planning Practice Guidance on the 'Use of planning conditions'.

I hope you can take this letter into consideration in the determination of this planning application.

Yours sincerely

Kathryn Sadler BA (Hons) Dip TP MRTPI
Director
On behalf of Sadler Planning
kathryn@sadlerplanning.co.uk