

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 06 October 2026 13:48:03 UTC+01:00
To: "Katherine Williams" <katherine.williams@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/26/2238

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 06/10/2026 1:48 PM.

Application Summary

Address:	Alders Farm Brighton Road Hurstpierpoint Hassocks West Sussex BN6 9EE
Proposal:	Proposed conversion of a barn into four residential dwelling houses
Case Officer:	Katherine Williams

[Click for further information](#)

Customer Details

Address: The Orchard Brighton Road Pease Pottage

Comments Details

Comment
er Type: Neighbour or general public

Stance: Customer objects to the Planning Application

Reasons
for
comment:

Comment
s: THIRD-PARTY OWNERSHIP OF THE ACCESS AND CLASS Q ACCESS
REQUIREMENT
The proposed development relies upon the private access track running between Brighton Road and Alders Farm.
I am the registered owner of the land forming this access track. My registered title clearly includes the track within my ownership. The applicant does not own the access land; their interest is limited to an existing private right of way over it.

I have noted that the applicant's location plan appears to exclude the access track from the application site's blue/red boundary. This is important because the applicant nevertheless relies upon this privately owned third-party track as the means of access between the proposed dwellings and Brighton Road.

The applicant's supporting statement repeatedly describes the site as having an "existing suitable access to Brighton Road", an "existing driveway" and "own road access", but does not adequately explain that the route to the public highway is over land owned by a third party and is subject to a private easement.

I ask the Council to consider this distinction when assessing whether the requirements of Class Q are actually satisfied.

THE EXISTING AGRICULTURAL RIGHT OF WAY AND THE PROPOSED FOUR DWELLINGS

The existing right of way has historically served the agricultural use of Alders Farm.

The application now proposes four separate residential dwellings, potentially occupied by four separate households, with the associated residents, visitors, delivery vehicles, contractors, refuse vehicles and other traffic.

The existence of an agricultural right of way does not, by itself, demonstrate that the applicant has an unrestricted right to use the privately owned track for this materially intensified residential use.

I am not asking the Council to determine a private-law dispute concerning the precise interpretation of the easement. However, the Council should not assume that the applicant's existing agricultural access automatically provides a suitable and lawful residential access for four independent dwellings.

The applicant should demonstrate that the existing rights over the third-party access are sufficient for the proposed development and that the substantially increased intensity of use has been properly considered.

CLASS Q - SUITABLE EXISTING ACCESS TO A PUBLIC HIGHWAY

The applicant relies upon Class Q and states that the building has "suitable existing access to Brighton Road".

I ask the Council to assess this assertion by considering the complete access arrangement from the proposed dwellings to Brighton Road, rather than simply the physical junction with Brighton Road.

The access route crosses land which is privately owned by a third party and is not part of the applicant's ownership.

The Council should therefore establish:

- the precise nature of the existing right of way;
- the historic purpose and use of that right of way;
- whether it is sufficient to serve four separate residential dwellings;
- whether the proposed use represents a material intensification of the existing agricultural use; and
- whether the access can properly be regarded as "suitable existing access to a public highway" for the purposes of Class Q.

RECENT TARMACKING OF THE PRIVATE TRACK

The track was historically a simple agricultural track consisting of cinder/grass and was not a surfaced residential road.

During approximately the last one to two years, the applicant has, without my permission, substantially altered the track by completely surfacing/tarmacking it.

I do not accept that this recent surfacing should be treated as evidence of an established residential road or as evidence that I have consented to the proposed intensified use.

The surfacing does not alter the ownership of the track or the underlying private

rights over it.

The Council should assess the existing access and its lawful status rather than treating the recently surfaced track as though it were an established residential access road.

SECURITY AND FUTURE CONTROL OF THE PRIVATE ACCESS

The access track forms part of my privately owned agricultural land and I have legitimate reasons for needing to secure and control access to my land.

I reserve my rights as landowner in this respect, subject to the precise terms of the existing right of way.

The proposed conversion to four dwellings would result in a substantially greater frequency and nature of use of the private track. This includes residents, visitors, deliveries, contractors and other vehicles.

The applicant's statement does not address how this increased residential use is intended to operate over a privately owned access which is subject to an existing easement.

The applicant should not be permitted to assume that the existing agricultural access is equivalent to an unrestricted residential road.

CONCLUSION

I ask the Council to consider carefully whether the applicant has adequately demonstrated that the proposed four dwellings have the "suitable existing access to a public highway" required by Class Q.

In particular, I ask the Council to take into account that:

1. The access track is privately owned by me;
2. The track appears to be outside the applicant's application site boundary;
3. The applicant relies upon a private easement over that third-party land;
4. The historic use of the access has been agricultural;
5. The proposal would create four separate residential dwellings and therefore a substantially intensified use of the access; and
6. The track has only recently been tarmacked and this should not be treated as evidence of an established unrestricted residential road.

I object to DM/26/2238 on these grounds and ask that the Council does not simply accept the applicant's description of the access as an "existing suitable access to Brighton Road" without properly considering the third-party ownership, the existing private right of way and the significant change in the intensity and nature of use.

Where
did you
hear
about this
applicatio
n?

Not specified

Kind regards