

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	27 December 2024
LOCATION:	Twineham Court Farm Bob Lane Haywards Heath RH17 5NH
SUBJECT:	DM/24/2874 Proposed removal of the modern disused and redundant agricultural buildings and creation of an events venue through the erection of an events barn and open barn. Proposed use of redundant Grade II Listed farmhouse and Curtilage Listed Building to provide ancillary accommodation to serve the events venue. Proposed erection of estate barn to assist with operation of events venue and retained agricultural land. Creation of new vehicular access onto Bob Lane and provision of driveway and parking area, plus ancillary infrastructure including surface and foul water drainage strategy. Provision of ecological enhancements and hard and soft landscaping.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 8T
RECOMMENDATION:	No Objection
S106 CONTRIBUTION TOTAL:	To be considered...see below

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

I have reviewed the documents provided, in particular Proposed Site Plan Layout, Proposed Master Plan, Location and Block Plan all dated 25/11/2024 and the WSCC Highways response dated 12/12/2024.

It appears that Footpath 8T runs along the track beyond the eastern boundary of the development and not within the development area. It also appears that there is no plan to directly link this footpath to the development itself. If I have mis-understood either of these points then I would seek to reconsider my response.

My specific comments are that the existing access road will undoubtedly carry more traffic and that the new access road is located close by. In relation to this I would remind the Applicant that the existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the

public use, enjoyment and amenity of the PROW must be considered by the planning authority. In addition to this, the applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along or crosses a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

I would further comment that the nature of this development is likely to result in a significant increase in footfall on the PROW which would, in turn, increase wear to the surface. I would ask that consideration be given to a Sec 106 Order to mitigate the additional maintenance costs.

With due consideration for the comments above, my recommendation is one of 'No Objection'. In making this recommendation I offer the following additional comments:

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW). This can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal order process by Mid Sussex District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team. See point '13' below if this condition cannot be met and the path needs to be closed temporarily.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

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.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

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Steve Alexander
Access Ranger
Public Rights of Way
West Sussex County Council