

**From:** Planning@horsham.gov.uk  
**Sent:** 19 August 2025 17:53  
**To:** Planning  
**Subject:** Comments for Planning Application DC/25/1155  
  
**Categories:** Comments Received

## Comments summary

Dear Sir/Madam,

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

Comments were submitted at 19/08/2025 5:53 PM.

### Application Summary

Address: Land East of Tilletts Lane Warnham  
Proposal: Erection of 59 dwellings with associated open space, landscaping, parking, access, and drainage infrastructure.  
Case Officer: Nicola Pettifer

[Click for further information](#)

### Customer Details

Address: Hawthorns Knob Hill Warnham

### Comments Details

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application  
Reasons for comment: - Design  
- Highway Access and Parking  
- Other  
- Overdevelopment  
- Privacy Light and Noise  
- Trees and Landscaping  
Comments: Objection to Planning Application DC/25/1155 - Proposed Development of 59 Dwellings on Land to the East of Tilletts Lane, Warnham, Horsham, West Sussex

#### Executive Summary of Objections

I strongly object to this application. It is legally flawed, procedurally unsound, and contrary to adopted planning policy.

The key grounds for objection are:

1. Unlawful Interference with Legal Easement - The Hawthorns holds a prescriptive easement over the Threestile Road access since 1981. This right is absolute and indefeasible under the Prescription Act 1832 and confirmed by case law. The development would unlawfully interfere with this easement, amounting to trespass and nuisance. We have been the sole users of this road to access our property for over 40 years.

2. Severe Highway Safety Risks - The Threestile Road access was explicitly rejected by the Highway Authority and Horsham District Council (HDC) as unsafe due to visibility constraints, narrow width, and proximity to residential driveways. Using this road for 59 dwellings poses an unacceptable danger, contrary to NPPF para. 111 and HDPF Policy 40.

3. Contravention of the Warnham Neighbourhood Development Plan (WNPD)- The WNPD (adopted 2019) requires vehicular access from Tilletts Lane only, with Threestile Road reserved for pedestrian and cycle use. The newly submitted drawings proposing a vehicular access onto Threestile Road deviate from the adopted Plan without consultation, contrary to the Planning and Compulsory Purchase Act 2004, s.38(6) and the NPPF paras. 29 and 69.

4. Flawed and Biased Public Consultation - The consultation process underpinning this application is fundamentally flawed. Numerous residents' objections highlighting traffic dangers, conservation concerns, and amenity impacts have been omitted from the published summary, creating a misleading and biased picture of community opinion. This undermines transparency and breaches the NPPF's requirement for meaningful community engagement.

5. Conservation Area Harm - The Threestile Road access, including The Hawthorns, lies within the Warnham Conservation Area. Intensification of use by construction and estate traffic would permanently damage the rural and historic character, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, s.72(1).

#### Detailed Grounds of Objection

##### 1. Unlawful Interference with Legal Easement

The Hawthorns has benefited from a prescriptive easement over the Threestile Road access since 1981. Under the Prescription Act 1832, s.2:

"...where such way... shall have been so enjoyed... for the full period of forty years, the right thereto shall be deemed absolute and indefeasible..."

This principle is reinforced by *Dalton v Angus* [1881] UKHL 1 and *B&Q v Liverpool* [2000] EWHC Ch 209, where the court confirmed that any substantial interference with an easement is actionable.

Repurposing this access for estate traffic and heavy construction vehicles would materially interfere with this right. No application has been made under Law of Property Act 1925, s.84 to modify or discharge the easement, rendering the proposal legally untenable.

The proposal to use what has been our driveway since 1981, includes no plans on how as home owners we would be given 24 hours unimpeded access to our property either on foot, in vehicle or if emergency vehicles required access- a legal entitlement cited in the deeds for our property.

##### 2. Severe Highway Safety Risks

The Threestile Road junction is fundamentally unsafe:

- \* Poor visibility splays due to Lowood and Robinsgreen.
- \* Blind bend when approaching downhill.
- \* Narrow carriageway, unsuitable for additional traffic.

It also experiences frequent near misses and there have been two notable accidents within the past 10 months alone with a car in a ditch after a head on collision (reported to Police) and a

collision at the junction of School Hill. Increased traffic on an already dangerous and unsuitable road will undoubtably increase accidents.

Trip modelling indicates 350-470 additional daily trips, two-thirds directed to Threestile Road. This would significantly increase collision risks and impede access to existing properties, including The Hawthorns.

There are four properties in close proximity who all require access to their properties. Adding another access road in between these properties will create confusion and lack of clear rights of way exiting onto the highway. This is materially unsafe and not feasible.

This breaches NPPF para. 111:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

And HDPF Policy 40, requiring safe and suitable access for all users.

### 3. Contravention of the Warnham Neighbourhood Development Plan (WNDP)

The Warnham Neighbourhood Development Plan (adopted 2019) allocates this site for housing but is explicit on access:

Vehicular access must be from Tilletts Lane.  
Threestile Road access limited to pedestrian and cycle use.

WNDP para. 5.13 states:

"Vehicle access would be likely to be a single access from Tilletts Lane. The feasibility of an alternative access from Threestile Road/Knob Hill at the point close to the north-west corner of the site was considered but was not favoured due to the proximity of the accesses to private residences located either side of the proposed road junction."

This was reaffirmed by HDC Senior Planner Eleanor Harman (email, 1 Feb 2022):

"...Criteria (f) of Policy W6 requires the provision of appropriate access into the site for vehicles, and segregated access to the site by cyclists and pedestrians from Threestile Road and Church Street. Paragraph 5.13... states: 'Vehicle access would be likely to be a single access from Tilletts Lane.' The feasibility of an alternative access from Threestile Road/Knob Hill... was considered but was not favoured due to the proximity of the accesses to private residences located either side of the proposed road junction."

The new drawings submitted in this application deviate from the adopted Plan by showing vehicular access to Threestile Road. There has been no consultation on this deviation.

Under Planning and Compulsory Purchase Act 2004, s.38(6):

"...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

No lawful modification of the WNDP has been made. This proposal is therefore contrary to the statutory development plan and procedurally unsound.

The Traffic statement is based on current vehicles and not on the proposed plans and increased traffic and is fundamentally flawed it also does not include impact of Construction traffic.

### 4. Flawed and Biased Public Consultation

The applicant's consultation summary is highly flawed and selective:

- \* Numerous residents' objections, particularly those citing traffic dangers and conservation harm, have been omitted from the consultation report.
- \* This produces a biased overview that artificially minimises the scale of public concern.
- \* The NPPF (para. 69) stresses the need for meaningful engagement:

"Neighbourhood plans... can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan."

Failure to capture and report genuine public concerns undermines the validity of the consultation process and further highlights the procedural deficiencies of this application.

Also on the application submitted it omits that there is a stream that is on our property. This has flooded and run off from the fields has resulted in the front of our property having over 4 inches of water over the threshold. We have had to instal drainage to help and the neighbouring property has also had their sheds flooded due to the stream overflowing. On the application it states no water in nearby.

Water neutrality is also a concern and has not been considered fully in this application.

## 5. Conservation Area Harm

The Threestile Road access and The Hawthorns lie within the Warnham Conservation Area boundary. Intensifying this access with construction and estate traffic would:

Introduce signage, surfacing changes, and lighting incompatible with the rural setting.  
Increase noise, congestion, and risk within a historic village environment.  
Permanently alter the appearance and tranquillity of the conservation area.

This breaches Planning (Listed Buildings and Conservation Areas) Act 1990, s.72(1):

"Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Courts (South Lakeland DC v Secretary of State [1992] 2 AC 141) have confirmed that "character and appearance" includes the environmental qualities of an area, including traffic impacts.

In addition to the points made above, there are also concerns with regards to light pollution and noise pollution in a rural area. The habitat and animal surveys also clearly note endangered species within the area and increasing light and noise will inevitably impact not only on residents in this rural area but also on the habitats.

## Conclusion

This application must be refused because it is:

- \* Legally defective - unlawful interference with an established easement.
- \* Unsafe- highway dangers already recognised by HDC and the Highway Authority.
- \* Contrary to the adopted WNDP - deviating without consultation, contrary to law.
- \* Flawed in process- public consultation is selective and biased.
- \* Harmful to heritage- damaging the Warnham Conservation Area's character.

The use of Threestile Road for vehicular access is wholly inappropriate, unlawful, and unsafe. It should be excluded from the scheme entirely.

Additionally, the increased traffic, construction traffic and access to the site are of great concern in a village which has already experienced overwhelm with vehicles using the village as a cut through, buses being stuck on Church street due to parked cars and even an HGV crashing into the side of a house trying to deliver in the village. (At roundabout opposite

Sussex Oak).

I respectfully urge Horsham District Council to refuse planning permission for Application DC/25/1155.

This formal objection is in addition to the email sent to planners on Friday 15th of August raising concerns around illegal use of the driveway due to our easement.

Yours sincerely,

Resident, The Hawthorns  
Warnham, Horsham, West Sussex

Kind regards

**Telephone:**

**Email:** planning@horsham.gov.uk



# Horsham District Council



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