

## WEST SUSSEX COUNTY COUNCIL CONSULTATION

<b>TO:</b>	Horsham District Council FAO:
<b>FROM:</b>	WSCC Highways - Public Rights of Way
<b>DATE:</b>	9 January 2026
<b>LOCATION:</b>	Land East of 1 To 25 Hayes Lane Slinfold West Sussex
<b>SUBJECT:</b>	DC/25/2006 Outline application with all matters to be reserved except for access and layout, for the erection of 38no. dwellings, (including 13no. on-site affordable housing units), together with access from Hayes Lane, vehicle and cycle parking, landscaping, open space and play provision, sustainable drainage, and re-alignment of Public Right of Way No.3782.
<b>DATE OF SITE VISIT:</b>	n/a
<b>RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):</b>	Footpaths 3782 & 1467
<b>RECOMMENDATION:</b>	No Objection (with conditions)
<b>S106 CONTRIBUTION TOTAL:</b>	n/a

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 understand this application to be for the outline application with all matters to be reserved except for access and layout, for the erection of 38no. dwellings, (including 13no. on-site affordable housing units), together with access from Hayes Lane, vehicle and cycle parking, landscaping, open space and play provision, sustainable drainage, and re-alignment of Public Right of Way No.3782. If I am mistaken in this then, I reserve the right to make a further recommendation.

Having reviewed the online documents, it is noted that a diversion of footpath 3782 will be required and that this will be applied for under Section 257 of the Town & Country Planning Act 1990 by the developer. Should any additional signage or relocation of existing signage be necessary, West Sussex County Council (WSCC) would seek to recover the associated costs from the developer.

I would also like to highlight that the proposed developer's path diversion plan shows the southern section of footpath 3782 outside the diverted section as differing from the existing legal line. If this is the alignment the developer intends to adopt, it must be included within the Section 257 application under the Town & Country Planning Act 1990.

It is welcomed that footpath 3782 falls within the red line boundary, and it also appears that footpath 1467 is included within the red line boundary. Public Rights of Way acknowledge and appreciate the developer's offer to resurface footpath 3782 as part of this development, which is considered appropriate given the anticipated increase in foot traffic. Any surfacing works on the existing or newly proposed alignment of footpath 3782 must be approved by WSCC's PROW team prior to commencement.

In addition, we request that the developer also resurfaces footpath 1467, which sits within the red line boundary and connects to footpath 3782, due to the expected increase in foot traffic along this route.

At no stage can the legal line of any public footpath be narrowed or restricted without prior discussion with WSCC's PROW team. Any restriction without consent would constitute an offence under the Highways Act 1980.

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.

Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

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.

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.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

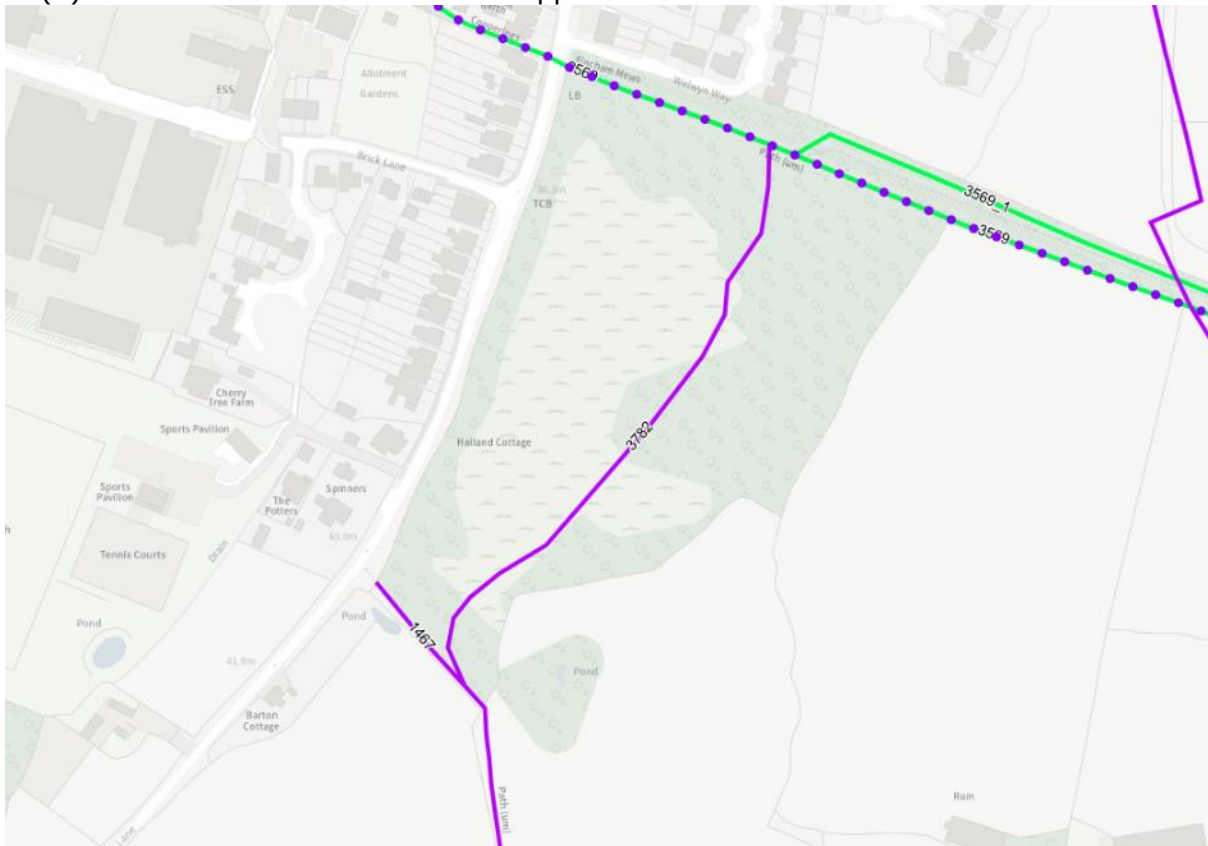
Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

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.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along 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.

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 cannot 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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Rights of Way information is not definitive.

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**Access Ranger**  
**Public Rights of Way**  
**West Sussex County Council**