

From: Planning@horsham.gov.uk <Planning@horsham.gov.uk>
Sent: 09 February 2026 16:12:45 UTC+00:00
To: "Planning" <planning@horsham.gov.uk>
Subject: Comments for Planning Application DC/26/0010
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 09/02/2026 4:12 PM.

Application Summary

Address:	Land North of Girder Bridge, Gay Street Lane, North Heath RH20 2HW
Proposal:	Use of land for the stationing of 6 static caravans for residential purposes (to be occupied by Gypsies and Travellers) and associated landscape works.
Case Officer:	Shazia Penne

[Click for further information](#)

Customer Details

Address:	North Heath Farm Gay Street Lane Pulborough
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Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Planning Application
Reasons for comment:	<ul style="list-style-type: none">- Design- Highway Access and Parking- Overdevelopment- Privacy Light and Noise- Trees and Landscaping
Comments:	I write as the owner of neighbouring land to formally object to the above application. My objection is based on multiple, interrelated planning grounds which, taken individually and cumulatively, demonstrate that the proposal is unacceptable, undeliverable and

contrary to development plan policy.

1. Failure to demonstrate lawful access (fundamental defect)

The applicant has failed to demonstrate that the site benefits from a lawful means of access capable of serving the proposed development.

The Land Registry title confirms that the access track relied upon by the applicant is not included within the red line boundary and is not subject to any express or registered right of way. Any right of access is merely claimed by way of a statutory declaration and is expressly excluded from the registered title .

No deed of grant, easement, licence or other evidence of legal control has been provided. The Planning Statement refers only to an "established access" but wholly fails to address the legal basis on which that access can be used for the proposed development.

In planning terms, the existence of a physical access on the ground is irrelevant where the applicant cannot demonstrate a lawful right to use third-party land.

2. Reliance on a claimed prescriptive right is legally inadequate

Even if a prescriptive right of way were assumed to exist (which is not accepted), such a right could only extend to the nature and intensity of use by which it was acquired.

The proposal represents a clear material intensification of use, introducing:

Multiple permanent residential pitches

Multiple households

Daily vehicular movements

Deliveries, refuse vehicles and service traffic

Emergency access requirements

Any historic use of the track would have been limited in character and frequency and could not reasonably have encompassed this level of residential activity. The proposed development would therefore exceed and potentially extinguish any prescriptive right relied upon.

Planning Inspectors routinely accept that where access rights are uncertain or incapable of supporting the proposed intensity of use, a development is undeliverable and must be refused.

3. Development relies on third-party land without adequate control

The access track lies outside the applicant's ownership and control, as shown on the title plan . No evidence has been provided to demonstrate that the applicant has the consent of affected landowners or any ability to secure the access for the lifetime of the development.

The proposal would therefore rely upon third-party land without adequate legal control, contrary to well-established planning principles. The Local Planning Authority cannot lawfully grant permission for a development which may not be capable of implementation.

4. Unsuitability of the access in physical and safety terms

The access track is an informal, narrow, unengineered route with no defined carriageway, no pedestrian segregation, no passing places and no turning provision. It clearly reads as an agricultural or maintenance access rather than one designed to serve multiple permanent dwellings.

The Planning Statement understates these constraints and fails to demonstrate how refuse vehicles, emergency services or delivery vehicles would safely access and manoeuvre within the site.

The proposal would therefore result in conflict, obstruction and safety risks contrary to highway safety objectives, even if the highway authority were to conclude that impacts fall short of the "severe" test.

5. Conflict with railway operational land and statutory undertaker requirements

The access lies immediately adjacent to a live railway line and appears to serve operational railway land. Railway personnel regularly use the access for maintenance purposes.

The applicant has failed to demonstrate:

Ownership or control of land used by the railway operator

Any agreement with Network Rail or relevant statutory undertakers

That the proposal would not prejudice operational access or safety

Development should not be permitted where it would interfere with or constrain the operational requirements of essential infrastructure providers. The introduction of permanent residential use in such close proximity to railway operations raises

foreseeable conflict, safety concerns and future pressure on infrastructure operators.

6. Failure to demonstrate safe and suitable emergency access

Given the narrow, informal nature of the access and its proximity to the railway, the applicant has failed to demonstrate that safe and reliable emergency access can be provided at all times.

This is a critical consideration for residential development and is particularly relevant where multiple households are proposed. Any uncertainty over emergency access weighs heavily against the proposal.

7. Unsustainable location and poor accessibility

The site is poorly located in sustainability terms, with limited access to services, facilities and public transport. Residents would be heavily reliant on private vehicles for day-to-day needs.

This reliance further exacerbates the intensity of use of the access track and compounds the harm arising from its legal and physical inadequacy.

8. Harm to rural character and landscape setting

The proposal would introduce a concentrated form of permanent residential development into a rural setting where such intensity of use is alien to the established character of the area.

The cumulative impact of hardstanding, domestic paraphernalia, vehicle movements and activity would erode the rural character and appearance of the locality, contrary to development plan policies seeking to protect countryside character.

9. Residential amenity impacts

The intensified use of the access would result in increased noise, disturbance and activity immediately adjacent to neighbouring land. These impacts would be materially greater than those arising from any historic use of the track and would adversely affect the amenities of neighbouring landowners.

10. Dangerous precedent

Granting permission in circumstances where lawful access has not been demonstrated would set a dangerous precedent, encouraging applications that rely on claimed rights over third-party land without proper legal certainty.

This would undermine confidence in the planning system and expose the Local Planning Authority to future enforcement

difficulties.

11. Cumulative and fatal harm

Each of the above objections is significant in its own right. When taken together, they demonstrate that the proposal:

Is not lawfully accessible

Is not physically suitable

Is not deliverable

Is not sustainable

Risks conflict with essential infrastructure

Would cause harm to character and amenity

These harms cannot be mitigated by planning conditions or obligations.

Conclusion

The applicant has failed to demonstrate that the site benefits from a lawful, unrestricted and suitable means of access capable of serving the proposed development. The proposal relies on legally uncertain access over third-party land, would materially intensify use beyond any prescriptive entitlement, and raises serious safety, operational and deliverability concerns.

For these reasons, the application should be refused.

Kind regards

Telephone:

Email: planning@horsham.gov.uk

