

Sam.Nye

Subject: PRE-EMPTIVE NOTIFICATION: Unauthorized Works and Encroachment on Common Land CL21 (Bines Green, RH13 8EH)

From:

Sent: 10 June 2026 16:43

To:

Cc:

Subject: PRE-EMPTIVE NOTIFICATION: Unauthorized Works and Encroachment on Common Land CL21 (Bines Green, RH13 8EH)

Dear Sir or Madam,

PRE-EMPTIVE NOTIFICATION: Unauthorized Works and Encroachment on Common Land CL21 (Bines Green, RH13 8EH) and environmental degradation.

I am writing on behalf of 7 registered Commoners (plus one not available) holding grazing and grass cutting rights over Common Land **CL21** at Bines Green, West Sussex. We wish to formally alert the Inspectorate to a conflict between a local planning decision and the statutory protections of the **Commons Act 2006**.

Horsham District Council has granted prior approval under case reference **DC/26/0502** for 6 Class Q barn conversions. Crucially, the developer's sole access route is a 30-metre track running directly across CL21, the Common Land. (HDC Pre-Planning Decision Contested)

To serve a total of 10 properties, 4 existing and 6 proposed, West Sussex County Council Highways requires this track to be upgraded to an **Adoptable Standard**. This mandatory upgrade will require constructing a two-lane paved and kerbed road capable of a 26 Ton loading, a pedestrian pavement for **Public Footpath B2518**, drainage, and street lighting. WSCC projects **50 to 80 daily vehicle movements together with Visitors, Deliveries, Refuse Collections, Postal Services, Emergency Vehicles and Farm traffic, crossing the common.**

We wish to state clearly that the 8 registered commoners do **not** consent to this area reduction and tarmac-paving of the common. Our registered grass-cutting rights are **continuous and maintained yearly together with our maintenance of the Common**. Our cattle grazing rights were **last actively used just 3 years ago**. Any physical works to alter this land requires prior consent from the Secretary of State under **Section 38 of the Commons Act 2006**. Because the developer owns no adjacent land to offer as a swap under Section 16, they cannot legally deregister this land.

We request that the Inspectorate logs this dispute. We will immediately report any unauthorized engineering or construction works on CL21 to your enforcement team. We also request the HDC Planning Department add a **Notice Of Dispute** to application Number DC/26/0502 regarding the access track leading to the development.

We confirm there is no Neighbourhood or Commoners improvement provided by this proposed development. Reference Section 38 and Section 16 of the Commons Act 2006.

Yours faithfully,

[REDACTED]

On behalf of the Bines Green CL21 Commoners.

The Properties with Grazing and Grass Cutting Rights over the Common Land CL21 :-

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Copies to - Andrew Griffith Member of Parliament and Open Spaces Society.

Legal Case Law considered - Commons Act 2006. :-

- *Barkas v Sunderlands* [2014] UKSC 31
 - *Celsteel Ltd v Alton House Holdings Ltd* [1985] 1 WLR 204
 - *Tehidy Minerals Ltd v Norman* [1971] 2 QB 528
 - *R (on the application of Millgate Developments Ltd) v Secretary of State* [2017] EWHC 3196 (Admin)
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