

From: Nicholas Scott <nicholas.scott@westsussex.gov.uk>
Sent: 07 July 2026 10:16:25 UTC+01:00
To: "Shazia Penne" <Shazia.Penne@horsham.gov.uk>
Subject: RE: DC/26/0010 - Land North of Girder Bridge - PROW advice - FP1998

Morning Shazia,

My apologies for the delay in coming back to you.

Please see my comments below in red. If you have any questions do please get in touch.

Regards,

Nick Scott

Principal Rights of Way Officer
Highways & Transport
West Sussex County Council

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E-mail: Nicholas.scott@westsussex.gov.uk

Please note I have every other Friday off. If your enquiry is urgent outside of this time please complete an online report via our [Report a problem with a Public Right of Way](#) and mark the matter "Urgent" in the title.

To ensure any PROW enquiries are dealt with efficiently please always report them via our on- line form referenced above.

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From: Shazia Penne <Shazia.Penne@horsham.gov.uk>
Sent: 01 July 2026 13:27
To: Nicholas Scott <nicholas.scott@westsussex.gov.uk>
Subject: DC/26/0010 - Land North of Girder Bridge - PROW advice

****EXTERNAL****

Dear Nicholas,

I hope you're well.

I am currently assessing planning application DC/26/0010 – Land North of Girder Bridge and have reviewed your consultation response together with the applicant's subsequent comments. The applicant has advised that:

- the existing track is already used for vehicular access to the dwelling to the south (within the applicant's ownership) and has historically been used to access the adjoining field for maintenance and previously for horse grazing;
If they have private vehicular rights then this satisfies their access to site. I guess the one outstanding concern is whether the applicant has the right to give these vehicular rights to anyone else linked to the development. We do not hold records of private rights and ultimately it is for the District to be satisfied that these private vehicular rights can be given to others because if not vehicular access, other than by the applicant, could be a criminal offence.
- they consider that the existing use demonstrates established vehicular access and have indicated they could provide sworn statements if necessary;
See comment above.
- a passing place is proposed and they are willing to provide signage, if required, through a planning condition;
This would be satisfactory and if details of the passing bay and the potential signage would be welcomed by us to give our view and welcome the suggestion through a planning condition.
- they acknowledge that any works to the track would require separate approval from WSCC Public Rights of Way and that temporary closures may be required during the works.
Noted

Having considered these comments, I wanted to seek your advice regarding the legal position. In particular, could you please advise whether there is a procedure whereby the section of public footpath could be formally authorised, reclassified or otherwise regularised to permit lawful vehicular access to serve the proposed development? If so, could you outline the relevant process and whether this would need to be completed before planning permission could be granted, or whether it is a separate legal process outside the planning system?

This would be challenging. To change the status of a Public Rights of Way (PRoW) it can either be dedicated to a higher status by the landowner (in this case to allow public vehicular access it would need to be upgraded to a Byway Open to All Traffic (BOAT)) but we would need to decide whether we would want to accept the dedication and as there is no continuity and this would create a dead end route for vehicles this is unlikely as it offers no wider public benefit. The other option is by way of applying for a Definitive Map Modification Order (DMMO) through our legal services department. An applicant would have to evidence historical use by the public with a vehicle. The term would be "as of right" so not with permission, secrecy or force but if this route has not historically used by public users in a vehicle it seems unlikely this would be successful.

Further to this even if the applicant wished to apply we currently have an 18 month waiting list and even if an Order were to be made it would be open to public objection and if objections were received the Order would need to be submitted to the Secretary of State for determination and they also have a waiting list of over a year.

I would also be grateful for your view on whether the information provided by the applicant changes your concerns regarding the existing use of the track, or whether you would still require evidence of lawful private vehicular rights of access before you could withdraw your objection. If the District are satisfied that private vehicular rights exist or can be passed to any potential users of the proposed development then this would be satisfactory and with the passing bays and signage being included as a planning condition I think this would mean we can withdraw our application.

Any guidance you can provide would be greatly appreciated as it will assist in determining whether the current objection can be resolved or whether it remains a matter that weighs against the proposal.

Many thanks for your assistance.

Kind regards,

Shazia Penne

Planning Officer

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