

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO: Kate Turner
FROM:	WSCC Highways - Public Rights of Way
DATE:	15 September 2026
LOCATION:	Rascals Farm, Shipley Road, Horsham RH13 9BG
SUBJECT:	DC/26/1213 Non Material Amendment to previously approved application DC/24/0249 (Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping) as amended by DC/26/0135 (Variation of Conditions 1, 5, 6, 11, 13, and 19 and Removal of Conditions 7 and 9 of previously approved application DC/24/0249) for amendments relating to the landscaping strategy.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 1889
RECOMMENDATION:	No Objection (With Conditions)
S106 CONTRIBUTION TOTAL:	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.

Definitive Line

West Sussex County Council (WSCC) Public Rights of Way (PRoW) team have no objection to a formal diversion application being submitted and processed to allow the re-routing of Footpath (FP)1889.

To enable this, the developer must apply for a diversion of FP1889 by means of a Public Path Order (PPO) (under the [Town & Country Planning Act \(TCPA\) 1990 Section \(S\)257](#)) through Horsham District Council prior to development. The WSCC PRoW Team will be a formal consultee as part of this diversion Order application process. Development affecting the currently recorded legal line of FP1889 must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

The PPO must be confirmed before WSCC PROW Team can grant the temporary path closure necessary for development to commence. More information on this can be found on our website at <https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/request-a-change-to-a-public-path/>

However, if development has already commenced and is considered to be substantially complete, you cannot apply to divert the footpath under S257 of the TCPA 1990 - there is case law which sets out what is considered to be substantially complete, but ultimately the Local Planning Authority (Horsham District Council) need to consider this. Under these circumstances, Section 119 of the Hi

If a development has commenced, and considered substantially complete, the application to divert must be made using [S119 of the Highways Act 1980](#).

Surfacing

The covering letter states that the footpath surface improvements will still be delivered as no-dig self-binding gravel however LANDSCAPE GENERAL ARRANGEMENT PLAN: GLS_021_197_1300, REV B shows the surface to be a limestone dust path. The surface must be as specified in my response dated 13th March 2024 which is laid down in the Section 106 agreement made under DC/20/0695. My overall response of No Objection with Conditions is on the condition that the correct surfacing is used.

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Rights of Way information is not definitive.

Donna Trethewey
Planning and Communities Officer
Public Rights of Way
West Sussex County Council