WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	9 January 2025
LOCATION:	Monks Farm Honeywood Lane Okewood Hill Surrey RH5 5QA
SUBJECT:	DC/24/1742 Prior Notification for Change of Use and extension of an Agricultural Building to 3no dwellinghouse (C3 Use Class).
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Restricted Byway 1412 Public Bridleway 1420_1
RECOMMENDATION:	No
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.

Restricted Byway 1412 (known as Ruckmans Lane) runs in an approximate north-south alignment through the proposed development site. Public Bridleway 1420_1 runs generally south-east to north-west, linking Restricted Byway 1412 along Monks Lane (a private road)

It is understood vehicular access to the development is proposed to be along Restricted Byway 1412 and Public Bridleway 1420_1. The Applicant's Supporting Statement for the application states:

> ***Highways*** - The proposed dwellings will utilise the existing access track (Ruckmans Lane) that is shared with public. The conversion of the barn will not result in a significant change in the character or volume of traffic on the nearby road network and therefore there is no highway safety or capacity grounds on which to resist the proposal.

It should be noted that there are no recorded public vehicular rights of access along Restricted Byway 1412 or Public Bridleway 1420_1 and that any vehicular access to the development site would require a private right of access from the public highway to the proposed site in order for such use to be lawful. I draw the Local Panning Authority's attention to the paragraphs below.

The proposed vehicular access – for construction and habitation - would increase the risk of conflict between development related vehicular traffic and the public using the public

bridleway and restricted byway. In order to manage and mitigate this risk, the Local Planning Authority should require the Applicant to have a suitable Traffic Management Plan in operation. Such a plan should ensure that the speed of vehicular traffic to the development is limited to a maximum of 10mph and that signs are in place, ana maintained, to warn both the public and the development related traffic of the risk of conflict. Furthermore, it should be noted that the public's rights take precedence over any private rights of access and, therefore, that vehicular traffic should give way to public users of the public bridleway and restricted byway.

It should be noted that it is unlawful to lock a gate on a restricted byway and the locked gate located on the Applicant's southern land boundary (the blue line), which currently obstructs the public right of way to lawful users, must be removed.

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

If the Local Planning Authority is minded to grant planning consent the applicant should be advised of the following informative notes:

A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

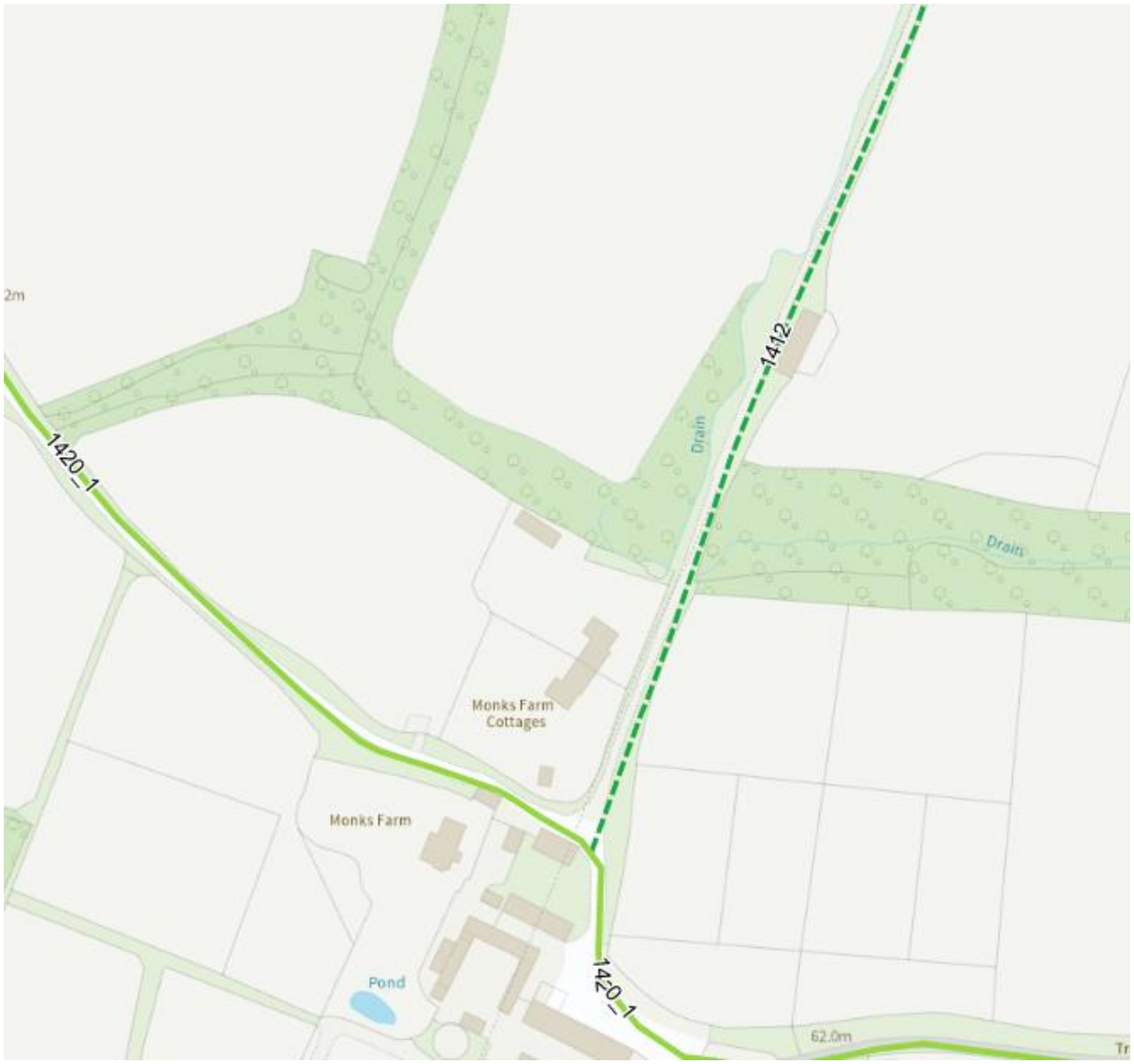
K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and 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.

L. 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 can not 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.

M. 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.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.



© Crown copyright and database rights 2024 OS AC0000849983. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Rights of Way information is not definitive.

Nigel Bird
Access Ranger
Public Rights of Way
West Sussex County Council