Gmail [redacted]

Request for clarification of highway status and stopping-up requirement

Georgia Hickland [redacted] 2026年2月11日 09:01

[redacted]

Good morning,

I have now had the opportunity to consult our records and I have provided my responses to your queries below.

1. Public maintainable highway is where the public have the right to pass and repass over land. WSCC has a statutory duty to maintain this land.
2. I can confirm that the area of land in question is public maintainable highway. I attach a copy of the highway boundary plan produced by our land charges department which shows the extent of the highway at this location shaded in pink. Our records show that this area and the surrounding roads on this estate were adopted via Section 38 agreement on 15/05/1967. Unfortunately the adoption agreement drawing is too large and old to scan in however the attached highway boundary plan accurately reflects the agreement drawing.
3. I also attach a plan which shows the public rights of way in the vicinity of the land.
4. With regards to a proposed stopping up of the land there are two available options/routes:

Route 1 – the planning route:

The first route is followed under Section 247 of the Town and Country Planning Act 1990. This is used where the applicant proposes to carry out 'development' upon public highway. In addition to requiring planning permission the application will need to first apply to request that the highway is stopped up. This will be required before the applicant is able to implement the planning permission (but after it is obtained).

Route 2 – Magistrates Court: (this route is used where the stopping up is not connected with 'development')

An application to stop up, or divert the highway, is made to the Magistrates' Court under Section 116 of the Highways Act 1980. In order to progress an application under this route, approval must first be granted by the County Council, as the local highway authority.

The highway authority must be satisfied that the area of highway is unnecessary – or where the application is to divert the highway, that the highway can be diverted so as to make it nearer or more commodious to the public. Within Schedule 12 of the Highways Act there is a detailed list of who must be consulted and how. This includes placing advertisements in the national and local publications, erecting notices on site and informing all adjoining landowners, as well as consulting all statutory undertakers.

Under Section 116 only the County Council is empowered to take the application to the Court. However, in practice, the process is that if the County Council authorises to make the application to the Court we will then authorise the applicant's solicitor to take the application as agent for the County Council.

Please don't hesitate to contact me should you have any further queries.

Kind regards

Georgia Hickland | Chartered Legal Executive Lawyer| Environment Team

Legal Services

West Sussex County Council

[redacted]

[redacted]

Address: Room 202, County Hall, West Street, Chichester, West Sussex, PO19 1RQ

Whilst our offices are open we continue to work remotely. All documents should be sent electronically to the e-mail address above.

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2 个附件

Land To The South of Amberley Close Playing Fields, Rowlands Road, Horsham, RH12 4LH Highway Boundary map 1.pdf
976K

Land To The South of Amberley Close Playing Fields, Rowlands Road, Horsham, RH12 4LH Highway Boundary map 2.pdf
1012K