

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	17 August 2026
LOCATION:	Land Between Muntham Drive and Smugglers' Lane, Chapel Road, Barns Green West Sussex
SUBJECT:	DC/26/0933 Erection of 31 dwellings with access from Chapel Road including roads, parking and open space.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Bridleway ITC-1600
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.

I understand this application to be for the Erection of 31 dwellings with access from Chapel Road including roads, parking and open space. Having reviewed the online documentation it is noted that the Public Rights of Way (PROW) sit outside of the sites red line boundary. If I am mistaken in this then, I reserve the right to make a further recommendation.

I would like to add should the proposed development to the south not proceed, we would seek improvements to the surface of Public Bridleway ITC-1600 that runs along the Western and Southern Boundary of the site. It is reasonable to anticipate that the proposed development will increase public use of this route. Increased usage is likely to accelerate wear and deterioration of the existing surface. The applicant should, at its own expense, undertake surface works as are agreed with, and to the satisfaction of, the West Sussex County Council Public Rights of Way Service. Should any part of the required works fall outside the applicant's ownership or control, the applicant shall secure and fund their delivery through a Section 278 Agreement, agreed by West Sussex County Council, prior to commencement of development.

I would also draw the attention of the Applicant to the following comments:

The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

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 (Horsham District Council) as the local planning authority. Further advice can be provided on request.

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.

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.

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.

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.

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.

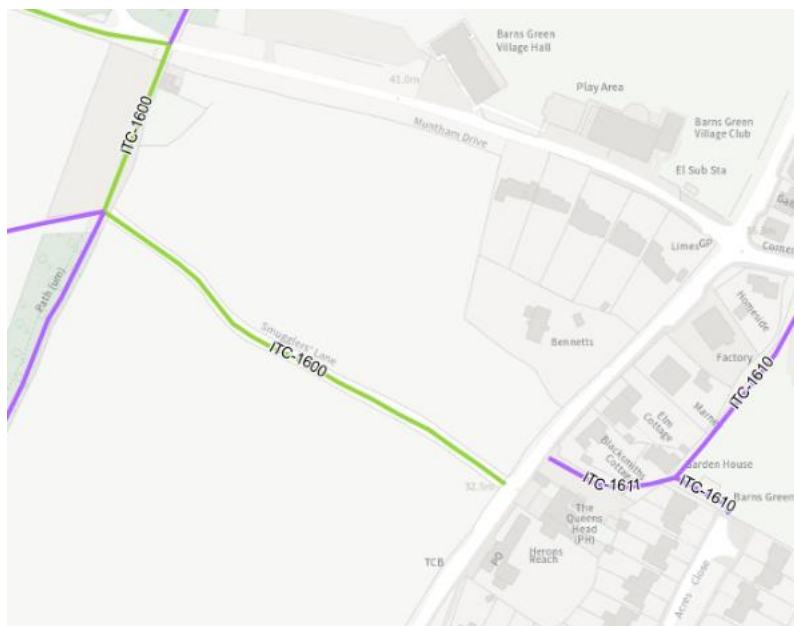
Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

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.

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.

It appears the proposed development will not affect the PROW that runs adjacent to it; however, it is considered the development will have a detrimental impact on path users' (safety / convenience / enjoyment). For example, close board fencing is often proposed immediately adjacent to a path, which creates a potential social misuse problem; it also reduces path users' enjoyment by creating a darkened, tunnel-like environment. The applicant and planning authority are strongly encouraged to consider mitigation, which could be to change the fencing or increase the path width.

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.



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Rights of Way information is not definitive.

Abbie Smith
Access Ranger
Public Rights of Way
West Sussex County Council