



Planning Committee

Date: 30th March 2023

PL153 - To consider the new opening from Laines Farm onto the B2036 (South Street), and whether to take any further action regarding this matter

1. Introduction

This brief report provides an outline of the current status of the opening made from Laines Farm onto the B2036, as well as evidence provided by neighbours regarding their views of there being a previous access point in this location.

2. Feedback from Mid Sussex District Council

Concerns regarding this opening have been raised with the parish office by residents living locally to the farm, which were shared with the planning department at MSDC.

The latest feedback is that the owners have submitted evidence to the Council regarding what they believe to be the historic nature of the access and that it was pre-existing and lawful. MSDC will be considering the evidence before advising of any further steps that may be required to formally regularise the position.

When an alleged breach of planning control is reported to MSDC it is necessary for the Council to consider:

- a) whether a breach of planning control has occurred and if so then;
- b) the planning merits of the development.

In this instance planning permission would only be required if this represented a 'new' access onto the classified road. No other 'development' for the purposes of planning has taken place. If there is substantive evidence which, on the balance of probability, suggests the access is historic no breach of planning control would have occurred and no further action would be possible.

Should MSDC not be satisfied that the access is historic, then the expediency of enforcement action would be considered. In this instance the primary consideration relates to highway safety and so as the Local Highways Authority is West Sussex County Council their advice would be sought. They alone can provide advice regarding highway safety and whether any enforcement action could be justified on highway safety grounds.

To date, on the basis that the access would be used solely for agricultural purposes, no significant concerns on highway safety grounds have been raised.

With respect to the previous access further to the south, in that instance WSCC did raise objections on highway safety grounds and so MSDC advised that the access would be subject to enforcement action if it is use did not cease voluntarily and was not stopped up.

3. Feedback from Local Neighbours

On receiving contact from local neighbours expressing concerns about the opening, they were advised of the above update received from MSDC. As a result, the following information was shared.

Living locally to Laines Farm for 18 years they do not believe there has ever been an entrance from the B2036 into the farm. Furthermore, there is a lamp post obstructing the new entrance location (something previously flagged to MSDC).

A conservation management plan had been commissioned in November 2004 by Sarah Rutherford, a copy of which is held in Cuckfield Museum. This contains all maps of the area including:

- Estate map 1809
- OS 1874
- OS 1911

None of these maps show an entrance or a path. There was the avenue of lime trees leading up the hill to the skyline, but this was for visual effect only and did not lead anywhere and was not a road/pathway; no roads or paths are shown. These trees were cut down many, many years ago.

4. Summary

In summary, although MSDC have advised they have been provided with evidence of a historical access point, contradictory evidence has also been put forward. This has been shared with MSDC.

Council can consider whether they wish to take any further action in this matter.