

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Hebe Smith
FROM:	Highways, WSCC
DATE:	21/09/2026
LOCATION:	9 Ocean Parade, Ferringham Lane, Ferring, BN12 5QG
SUBJECT:	FG/65/26/S73 Application under Section 73 of the Town and Country Planning Act 1990 for the Variation of Condition 2 - Plans Condition following grant of FG/105/23/PL.
DATE OF SITE VISIT:	N/A
RECOMMENDATION:	Advice

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSCC in its role as Local Highway Authority (LHA) has been invited to provide an additional consultation response in regards to above proposals. For context, the LHA previously provided comment on this application, dated 17/08/2026 and 03/09/2026, raising no highway safety or capacity concerns.

For the avoidance of doubt, the above-mentioned location of the application site has been corrected. I note that the two previous consultation responses referred to a different location. Though I can confirm that the LHAs previous assessment of the proposals did take into account the correct application site, using the submitted plans and application documents.

I also acknowledge the submitted written representations that raise the issue of alleged public highway rights over the area proposed for outdoor seating. I advise that the LHAs role as a statutory consultee is to assess whether the application proposals would result in an unacceptable impact on highway safety or severe cumulative impacts on the operation of the highway network, as per the National Planning Policy Framework, TR6 paragraph 4. The issue of public highway rights is outside of the scope of the assessment required from the LHA, as such processes can be dealt with outside of the remit of a planning application.

Notwithstanding the above, the applicant will need to remove public highway rights for the outdoor seating area proposed, via means of a stopping-up order. This is controlled by Section 247 of the Town and Country Planning Act and would be subject to a separate process administered by the Department for Transport's National Casework Team. The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is no guarantee that this would be successful.

Finally, I include a revised conclusion paragraph below to reflect the recent change in NPPF. I also include a relevant informative note relating to stopping-up orders.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (in line with TR6 paragraph 4) and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following informative should be applied:

Stopping Up Order

The applicant is advised that the existing highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

Kyran Schneider
West Sussex County Council – Planning Services

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Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
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[REDACTED]

Sent: 21 September 2026 10:59
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Response To Application Number FG/65/26/S73 at 9 Ocean Parade Worthing BN12 5QG

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Please could the attached response be distributed to the relevant case officer.

Regards

Kyran Schneider

Please do not reply directly to this email.

Any formal reconsultation on the application should be directed to
[REDACTED] but the responding officer can be contacted directly via
email if there are any questions relating to this response.

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