Planning Inspectorate

Appeal Decision

Site visit made on 20 October 2025

by C Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/Z3825/W/25/3369821
Development Site Lot 3, Kent Street, Cowfold, West Sussex RH13 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Simon Bishop against Horsham District Council.
- The application Ref is DC/25/0658.
- The development is change of use of existing building from car storage to dance studio.

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council has subsequently confirmed that it would have refused the application had it determined the application. I have taken the Council statement of case and representations received from interested parties to inform the main issues in this appeal and have assessed these against policies provided by the Council.

3. The application form refers to the site address as development site lot 1. However, the supporting documentation refers to development site lot 3 and this address was used on the application validation form and appeal form. I am therefore satisfied that the correct address is development site lot 3 and have determined the appeal on this basis.

4. At the time of my site visit the change of use of the building from car storage to a dance studio had already taken place. Retrospective as referred to in the statement of case and application validation form does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is sought for the change of use of the existing building from car storage to a dance studio.

5. If the Council had determined the application, one of the reasons for refusal would have been that the appellant had not demonstrated to the satisfaction of the Council that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites by way of increased water extraction. To comply with the legal duties (as set out in the Conservation of Habitats and Species Regulations 2017), in 2021 a position statement from Natural England required all new development within this area to demonstrate water neutrality.

6. On 31 October 2025 Natural England formally withdrew the 2021 position statement and as a consequence, the Council confirmed that if the application were submitted in its current format, the issue of water neutrality would not form a reason for refusal. I am therefore satisfied that I do not need to consider this matter further.

7. The appellant references policies in the Horsham Local Plan 2030-2040 which is not the adopted Local Plan. The appeal has been assessed against the adopted Local Plan which is Horsham District Planning Framework November 2015 (HDPF).

Main Issues

8. The main issues are:

- Whether the appeal site is in an appropriate location for the development having regard to the development plan policies relating to development outside built-up area boundaries; and
- Whether the access track is safe and suitable to serve the development and the effects of the development on the living conditions of nearby residents and the users of the Public Rights of Way (PROW).

Reasons

9. The appeal site is a barn that originated as part of a former chicken farm which has now been divided into three separate 'lots', all now in different ownership. In front of the site is an area of hardstanding for the parking of cars.

10. The site is located at the end of a long, private, mainly single width track (Westridge Lane) in a countryside location outside the built-up area boundary. A number of sporadic residential properties are accessed from Westridge Lane which is also part maintained as a Public Footpath no FP1789 for most of its length. Public Footpath no 1790 also directly crosses the site. Westridge Lane is accessed from Kent Street which is a single track road with few passing places and no street lighting or pavements.

11. The building is occupied by CCDANCE which offers a range of dance classes. CCDANCE operates most evenings during the week between 5pm and 9pm with 18 different classes on Thursdays and 10 classes on Saturday from 9.30am to 4pm.

Location

12. Policy 26 of the HDPF protects the rural character and undeveloped nature of areas outside built-up area boundaries from inappropriate development. The policy highlights that any proposal must be essential to its countryside location and in addition it specifies that certain criteria should be met, one of which is providing for quiet informal recreation. Among other considerations, this policy sets out that any proposal should enable the sustainable development of rural areas and goes on to highlight that proposals must be of a scale appropriate to its countryside character and location, and should protect, conserve and or enhance the key features and characteristics of the landscape character including the development pattern of the area, tranquillity and sensitivity to change.

13. Policy 43 of the HDPF supports the provision of new or improved community facilities or services where they meet identified needs of local communities. Sites outside built-up areas, such as the appeal site, will be supported where this is the only practicable option and where a suitable site well related to an existing settlement exists.

14. The use of the building as a dance school is not considered to fall into the category of quiet informal recreation as it is structured activity based around movement and music. A dance school requires large indoor space with noise insulation and appropriate ventilation (amongst other things), none of which necessitates a countryside location.

15. The development is not considered appropriate to its countryside location due to the volume of classes held on the site and the number of traffic movements associated with the classes leading to increased noise and disturbance, especially outside working hours at evenings and weekends. As a result, the development does not conserve or enhance the rural characteristics of the site or the tranquillity of the area which, due to its quiet, rural location is highly sensitive to change.

16. CCDANCE appears to be a well-supported business which contributes to the local economy and supports leisure opportunities and social inclusion. However, I have not been provided with any evidence that the appeal site was the only practicable option available to CCDANCE and I do not consider this site to be suitable for a dance studio as it is not well related to an existing settlement.

17. I note the appellant established CCDANCE in a rural location to provide a safer and more controlled environment for the students, however, I have not been provided with sufficient evidence to demonstrate that a rural location would be the only way to ensure the safety of the students. The presence of two public footpaths within very close proximity to the site also negates the safety benefits of being located within a rural area as anyone is entitled to directly walk across the site.

18. For the reasons given above, the development is not considered to be in an appropriate location. The development is therefore contrary to Policies 26 and 43 of the HDPF which seek to ensure development is essential to its countryside location and is of an appropriate scale, and should protect, conserve and or enhance the key features and characteristics of the landscape character including the development pattern of the area, tranquillity and sensitivity to change.

Amenities

19. Policy 33 of the HDPF requires development to avoid unacceptable harm to the amenity of the occupiers of nearby property.

20. Policy 40 of the HDPF supports development that is located where there are, or will be a choice in the modes of transport available, minimises the distance people need to travel and minimises conflict between traffic, cyclists and pedestrians. Development will also be required to provide safe and suitable access for all vehicles, pedestrians, cyclists, horseriders, public transport and the delivery of goods.

21. The use of the site for a high number of dance classes has led to an intensification of the use of the access track by pupils of the dance school. According to the

evidence before me this has resulted in considerable congestion at the start and end of each class with pupils being dropped off and picked up causing cars to reverse onto Kent Street and making it difficult for residents of Westridge Lane to access or leave their properties. I can see from my site visit, how this is the case, especially given the number of classes and participants, the narrowness of the access road and restricted ability for two way traffic. Interested parties have also raised concern about the difficulty for emergency services to attend during dance school operational hours causing a safety concern. It is noted the class times are not staggered to allow for a steadier flow of traffic on the track and less congestion. However, this in itself would not lead to a reduction in the amount of traffic to and from the site.

22. Third parties have provided information on the traffic levels on the access track (Westridge Lane) associated with the development. This information comes from a traffic survey undertaken for two weeks in February, three weeks in March and for a week in May 2025. The traffic survey results show the traffic levels equate to between approximately 30-40 vehicular movements per evening during the week rising to between 150-230 vehicular movements on Thursdays and over 150 vehicular movements on Saturdays. These traffic movements equal between 500 and 700 extra traffic movements per week (i.e. journeys to and from the site). I note this view is shared by the Council and the figures are not disputed by the appellant.

23. West Sussex County Council Highways (WSCC) have been consulted on the application and do not consider the development would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and raise no transport grounds to resist the development.

24. Whilst WSCC raise no objection to the proposal, the advice is based on accident data and WSCC mapping with regards to visibility. However, whilst there have been no accidents on Kent Street and the visibility at the junction with Westridge Lane is acceptable, WSCC have confirmed that the vehicular movements associated with the dance school along Westridge Lane which is a public footpath (no 1789) are considerable. Vehicular users should give way to lawful path users (in this case pedestrians) but WSCC do not believe this is manageable with the vehicular movements associated with the dance studio. From my observations on site I share that view and I have not been provided with any evidence to demonstrate a different view should be taken. Consequently, the high levels of vehicular movements on the access road conflicts with the safety of the footpath users and the ability to use this route as a public footpath.

25. The intensification of the use of the access track and the use of the barn for a dance studio has a significant negative impact on the living conditions of the occupiers of properties along Westridge Lane through an increase in noise, light pollution and disturbance from vehicle movements to and from the site which mainly occur outside normal working hours. The use of the barn for a dance studio also disturbs the quiet and tranquil character of the area through noise emissions from the dance hall and general disturbance from car doors closing, engines being started and children playing in the parking area. None of which would be anticipated in this rural location.

26. My attention has been drawn to the proposed opening hours of the dance school which are stated on the application form as from 9am to 9pm Monday to Friday,

9am to 5pm Saturday and from 10am to 4pm on Sunday. The opening hours indicate an extension to the existing opening hours, although there is no indication as to the number of classes proposed during the opening hours or the number of children expected to attend each class. My attention has also been drawn to the active recruitment for more dance teachers. Based on these factors, it is highly likely that the dance school is looking to expand which would increase the level of activity on the appeal site and associated traffic movements.

27. In conclusion, the use of the site as a dance school has a significant detrimental effect on the living conditions of the occupiers of neighbouring properties through additional vehicle movements on an access track unsuitable for the levels of traffic associated with the development and on the rural and tranquil character of the area from the use of the barn as a dance studio. The users of public footpath 1789 are also unable to safely use the footpath due to the high level of traffic associated with the development conflicting with the ability of users to use the route as a public footpath.

28. The development is therefore contrary to Policies 33 and 40 of the HDPF which seek to protect the rural and undeveloped nature of the countryside against inappropriate development and to avoid unacceptable harm to the amenity of the occupiers of nearby property. The development is not located where there is choice in the modes of transport available and would not minimise the distance people need to travel or conflict between traffic, cyclists and pedestrians.

Other Matters

29. Whilst there is significant objection to the dance school, there is also support for the development as being beneficial for children's physical and mental well-being, self-confidence and social skills and also for CCDANCE as an organisation. In addition the development contributes to the rural economy. Whilst these benefits are noted, they do not outweigh the harm caused by being inappropriately located in the countryside and the effect on the living conditions of the occupiers of neighbouring properties and on the safety of the users of the PROW.

Conclusion

30. For the reasons outlined above the development would be contrary to the development plan when read as a whole and there are no material considerations to indicate a decision should be made other than in accordance with development plan. The appeal should be dismissed.

C Coles

INSPECTOR