Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2026

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2026

Appeal Ref: 6006904
Rowan, Two Mile Ash, Horsham, RH13 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Amit Patel against the decision of Horsham District Council.
- The application Ref is DC/25/0606.
- The development proposed is the change of use of existing swimming pool to allow mixed private and commercial use.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the development on the living conditions of the adjoining occupier by reasons of noise and disturbance.

Reasons

3. The proposed development would see the existing swimming pool building at Rowan used for swimming lessons by a private company. These would by 30 minutes long and run on Mondays, Tuesdays, Thursdays and Fridays from 09:30 to 13.00, with a total of five classes a day. There would be seven customers per class, with two teachers on site. To facilitate this use there would be 15 car parking spaces at the site: four alongside the swimming pool building and nine beyond, which would be accessed via an existing track along the boundary of the property, and two at the front of Rowan.

4. It is the proposed parking and access arrangement for the use that give rise to my concerns regarding the impact on living conditions. I saw at my site visit the access track runs alongside the house and garden of Westlands. This is a quiet area, with little disturbance arising to users of that property which lies within the wider, peaceful rural area. The proposals will lead to a significantly different intensity and pattern of use: the parking areas would be accessed by customer and staff cars travelling along that track, with manoeuvring of vehicles along the track the length of the garden. The turning and parking of vehicles would occur directly adjacent to the garden. There would also be the comings-and-goings of people from vehicles and the swimming pool building, which is accessed from the area adjoining Westlands.

5. This new pattern of use would lead to a notable increase in noise and disturbance for the occupiers of the adjoining development. I acknowledge that the swimming

pool lessons would be restricted in time of use (though staff arriving and departing is likely to take place for a limited period of time beyond those). However, the degree of disturbance from the number of vehicles accessing the site, and the parking and manoeuvring on the track so close to the neighbouring property, means that there would be an unacceptable degree of impact upon occupiers within those hours; the neighbours state they use their garden during weekday hours and any household can expect to have a peaceful domestic environment.

6. I acknowledge the track is used by the owners of Rowan at present, and also provides access to land beyond, including by UK Power Networks. However, I consider the degree of use, the amount and position of parking, and the scale of vehicle manoeuvres in close proximity to Westlands that would arise from this appeal is greatly in excess of what might be expected from existing activities.

7. The appellant states there are no controls over use of the swimming pool for private use. Whilst that may be the case, I cannot see that private use could conceivably lead to the level of parking for 15 spaces, and the intensity and manoeuvring of vehicles as proposed in this scheme. Furthermore, the scheme does not propose the cessation of any private use: it is for commercial activities in addition to private use at other times of the week. The addition of commercial activities over and above those private levels is a further objection to the scheme.

8. A Management Plan has been set out relating to the use of the swimming pool. This concerns the operation of the pool and containment of activities within the existing building. I accept this would satisfactorily militate against any noise and disturbance from the lesson activities within that building. However, the harmful impact upon neighbours arises from the parking, traffic and activities outside the building, and the Management Plan does not address this.

9. The appellant has proposed an acoustic fence along the boundary of the site. In my judgement the degree of noise and disturbance from the proposed development would be significant. I have no details as to whether such a fence might be possible and which would adequately mitigate this impact to ensure no unreasonable impact on neighbours. Thus, my findings above remain the same.

10. I note a previous application for use of the swimming pool was refused permission, but not on grounds relating to the effect on living conditions. However, I must determine the current proposal on its own merits. It is my conclusion on the main issue that the development proposed in this appeal would have a harmful effect on the living conditions of the adjoining occupier of Westlands by virtue of increased noise and disturbance. Policy 33 of the Horsham District Planning Framework (2015) requires development to, amongst other matters, be designed to avoid unacceptable harm to the amenity of occupiers of nearby property, including noise. Policy SNP16.1. of the Southwater Neighbourhood Plan (2021) similarly seeks to ensure new development does not result in unacceptable harm to the amenities of existing buildings. The proposal is thus contrary to these policies.

11. The Highways Authority raised no objection to the use of the existing access to the road. There is space within the site for vehicles to enter and exit in forward gear, and I saw at my site visit there is good visibility from the site. Third parties have raised concern on the matter of highway safety. However, on the basis of what I have read and seen, and in the absence of any technical evidence to demonstrate otherwise, I concur that safe access and egress from the site would be provided.

12. I acknowledge that the proposed development would enable the provision of swimming lessons and hence increase the opportunities for sport and recreation. It would also assist an existing commercial enterprise to operate within the rural area. There is support for such matters in the development plan and the National Planning Policy Framework. However, I must balance this against other matters. In my view, the harm arising from the proposals on the main issue clearly outweighs the benefits arising from the scheme. My overall conclusion thus remains the same. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR