MME PLANNING SERVICES

Change of use of existing swimming pool to allow mixed private and commercial use.

at

Rowan, Two Mile Ash, Horsham, West Sussex,

RH13 0LA

Grounds of Appeal Statement

Ref: P-045

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Version 1

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Figure 1: Site Location

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1. Introduction

1.1 This appeal has been prepared and submitted following the Council's decision to refuse planning application reference DC/25/0606. The development sought planning permission for the 'Change of use of existing swimming pool to allow mixed private and commercial use' at Rowan, Two Mile Ash, Horsham, West Sussex, RH13 0LA.

1.2 By decision notice dated 05 December 2025, planning permission was refused for the following reason(s):

> *1 The proposed change of use would result in unacceptable amenity impact on the adjoining neighbours at Westlands, contrary to Policy 33(2) of the Horsham District Planning Framework (2015) and Policy 16 of the Southwater Neighbourhood Plan (2021).*

1.3 The appeal application was considered by the Planning Committee on 02 December 2025 with a recommendation for approval. However, the application was overturned by the members of the committee for the reason set out above. This statement will set out how the proposals would be acceptable and address the above reason for refusal.

2. Site, Surroundings and Background

2.1 The appeal site relates to a residential property located on the south-eastern side of Two Mile Ash. The appeal site is therefore located within a countryside setting in policy terms. The appeal site forms part of a relatively small cluster of dwellings located in close proximity to Christ's Hospital.

2.2 The appeal site consists of a large, detached dwelling set within a spacious plot. The existing swimming pool outbuilding, which is the subject of this appeal, is located close to the north-eastern boundary of the site and is accessed via an existing track. The access is a relatively straight pathway that is accessed by cars, vans and tractors as well as UK Power Networks with a cherry picker to maintain the trees surrounding the rear of the site.

2.3 It is highlighted that the existing private use of the pool is unrestricted in terms of hours of use, and can be used at any time. There are no restrictions in terms of the number of people that can use the pool or times that it can be used. Adjacent to the swimming pool building and driveway is an existing hardstanding area / parking area.

2.4 The appeal application was submitted following the Council's decision to refuse planning permission in August 2024 for a comparable scheme under planning reference number DC/24/0757. The appeal application sought to address the issues raised by the Council in refusing the previous application.

2.5 Application reference DC/24/0757 was refused for the following reasons –

1 *The proposed hardsurfacing would result in the formalisation of the countryside setting and would detract from the informal character and ambience of the countryside location, contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).*

2 *Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015).*

3 *Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).*

2.6 In order to address the above reasons for refusal within the appeal application, the proposed parking area was moved to an existing hardstanding area / parking area and within the residential curtilage of the site. This ensured that the proposal would not impact upon the countryside setting and rural character, as set out within the first reason for refusal. However, it is important to note that the previously proposed parking area to the rear of the site would have been accessed via the same access track running along the north-eastern boundary of the site, adjoining the neighbouring property, considered and accepted under the previous application.

2.7 In addition, Biodiversity Net Gain (BNG) information was provided to address reason for refusal 2, which was accepted by the Council.

2.8 Lastly, with regard to water neutrality / reason for refusal 3, on 31 October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. As such, while a water neutrality statement was provided in support of the appeal application which showed that the development was water neutral, there was no longer a requirement to show that the development is water neutral, therefore addressing the previous reason for refusal.

2.9 It is highlighted that impact on amenity was not raised as a concern under the previously refused application, reference number DC/24/0757, which proposed the same access arrangements as the current appeal.

3. Relevant Planning Policy Considerations

National Planning Policy Framework (NPPF) (2024)

3.1 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole.

3.2 Running throughout the NPPF is a presumption in favour of sustainable development. Sustainable development is achieved through three main objectives which are – economic, social and environmental.

3.3 Paragraph 11 of the NPPF states that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application / appeal are out of date, planning permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or, any adverse impact of doing so would 'significantly and demonstrably outweigh the benefits' when assessed against the policies of the NPPF when taken as a whole (NPPF paragraph 11(d)).

Horsham District Planning Framework (HDPF) (2015)

3.4 Paragraph 34 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council has submitted its new local plan for examination, however at this stage, the emerging policies carry little to no weight in decision making.

3.5 A Local Development Scheme (LDS) was published in February 2025 by the Council. The LDS sets out the production timetable for the New Local Plan anticipated to be adopted in April 2026. Notwithstanding the above, as the HDPF is now over 5 years old, the most important policies for determining this application / appeal are now considered to be 'out-of-date'. This position is further highlighted given that the Horsham District Local Plan examination hearing meetings scheduled for January 2025 were cancelled by the appointed Inspector, and in April 2025 advised that the Plan is withdrawn due to concerns about its legal compliance. Proceedings for the new Local Plan are due to re-open in April 2026, however at this stage, the new local plan carries limited weight in decision-making.

3.6 While considered to be out of date, the main HDPF policies relevant to this application are as follows:

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 30 - Protected Landscapes
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 40 - Sustainable Transport

- Policy 41 - Parking
- Policy 43 - Community Facilities, Leisure and Recreation

Southwater Neighbourhood Plan (SNP) (2021)

3.7 Neighbourhood Plan policies relevant to this application are as follows:

- SNP16- Design

4. Planning Issues, Grounds of Appeal and Comments on the Officer's Report

Impact on Amenity – Reason for Refusal 1

4.1 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

4.2 As set out above, impact on neighbouring amenity was deemed to be acceptable under planning reference DC/24/0757, which proposed to use the same access track for vehicles leading from the public highway to the rear parking area. The appeal application proposes this same arrangement with parking proposed on an existing hardstanding area and within the residential curtilage.

4.3 The reason for refusal from the Council cites that the appeal scheme "would result in unacceptable amenity impact on the adjoining neighbours at Westlands", which the appellant considers to be insufficiently precise, with no evidence presented to substantiate this reason for refusal.

4.4 It is important to emphasise that the pool use is unrestricted. Currently, the pool as well as the side access track and existing parking and hardstanding areas can be used by any number of private visitors, at any time of day, seven days a week, without any limit on frequency, intensity, or associated vehicle movements.

4.5 In contrast, the appeal proposal introduces a much more controlled pattern of use: only four mornings a week, with a set number of classes, pre-booked attendees, and strict operating hours. Far from intensifying the site in an uncontrolled manner, the appeal scheme formalises and limits what could be a far more impactful private use.

4.6 The appeal proposal has been carefully considered to ensure that any effects on neighbouring occupiers remain well within acceptable limits, and the submitted Noise Management Plan and appeal proposals overall, were accepted by the Council's Environmental Health team during the consideration of the appeal application. In addition, no issues in terms of pollution, vibration or general activity increase were raised by the Council's Environmental Health team.

4.7 It is again highlighted that as the pool building is enclosed, and given that operating hours are limited to four weekdays only, between 9.30 and 13.00, any associated activity is modest and happens entirely within normal daylight / working hours. The structured class timetable, staggered arrivals, and the applicant's decision not to allow customers to use the shower facilities further reduces dwell time on site. When compared with the lawful, unrestricted private use of the pool, the proposed commercial use would have minimal additional impact, and in practice is likely to generate less sporadic disturbance than unrestricted family or guest use.

4.8 Furthermore, West Sussex Highways raised no objection to the appeal proposal and concluded that the level of traffic generated can be accommodated safely. The site already operates with safe access, and on-site turning allows vehicles to exit in forward gear. Classes take place outside peak hours and the proposed parking would provide adequate capacity, eliminating any risk of overspill parking.

4.9 The Council, during the member debate at planning committee, speculated on the number of vehicle movements associated with the proposed use and that there would be a detrimental impact on the amenity of the neighbouring property at Westlands. However, the evidence before the Inspector and assessed by the technical consultees as part of the appeal application, clearly shows that this is not the case.

4.10 It is evident that the purported impact on neighbouring amenity has been overstated, with no evidence to support the claims of the Council or nearby residents. The evidence that has been provided shows that the proposals would be acceptable in this regard and the Inspector is respectfully asked to consider the evidence available and the views of the Council's technical consultees. Given the limits and measures proposed, and the fact that the existing private pool can lawfully operate far more intensively than is being proposed today, the appeal scheme represents a balanced and acceptable use of the site.

4.11 Lastly, it is highlighted that the appellant previously contacted the Council to advise that they were looking to run a trial of the commercial pool use. The Council advised that this was acceptable and the trial took place over the weekend of the 03-05 May 2024. Users of the pool parked next to the pool, as per the appeal submission. It is understood that neighbours were not aware of the trial and no complaints in relation to noise of disturbance were raised with the Council. This clearly shows that the commercial use of the swimming pool and associated activities were not apparent to neighbours and did not result in any harm to amenity as purported by the Council in their decision to refuse the appeal application.

4.12 Taking the above into account, and the submitted supporting information, the proposals would be in accordance with Policy 33 of the HDPF and Policy 16 of the SNP, and would be acceptable in this regard.

4.13 It is noted that, should the Inspector deem it to be necessary, the appellant would be happy to erect acoustic fencing along the boundary with the immediate neighbour to the north-west. While a 2m high fence could be erected without planning permission in this location, the appellant would be happy with a suitably worded planning condition to that effect.

5. Summary and Conclusion

5.1 Overall, the Appellant contends that the appeal scheme would not have a detrimental impact on neighbouring amenity and any purported impact is speculative and not supported by any evidence.

5.2 As the Inspector will no doubt be aware, case law confirms that it is not necessary for developments to accord with every policy of the relevant development plan and that the primary consideration is whether the proposal accords with the plan as a whole.

5.3 The NPPF at paragraph 3 confirms that the Framework should be read as one. In addition, the Government's Planning Policy Guidance (PPG) states that any conflicts between the development plan should be considered in light of all material planning considerations including local priorities and needs, as guided by the NPPF.

5.4 The appeal scheme is supported by evidence that shows that the development would not be detrimental to neighbouring amenity and as such, there are not considered to be any adverse impacts which would outweigh the benefits of the appeal proposal.

5.5 Paragraph 39 of the NPPF states that decision makers at every level should seek to approve applications for sustainable development wherever possible. In light of the above, therefore, we would contend that there is no conflict with the objectives set out in National and Local policies, and we respectfully request that this appeal be allowed. The Appellant is happy to accept any suitable planning conditions which the Inspector may deem necessary.

5.6 In summary, we would urge the Inspector to allow this appeal and grant planning permission accordingly.