

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1007	Case Officer:	Deborah Lynn
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 3 relating to application 13/00879/COU to allow for the use of the indoor swimming pool for hire by a private company.		
Site:	Ludwell Grange, Cinder Hill Lane, Horsted Keynes, Haywards Heath, West Sussex, RH17 7EG, ,		
Validation Date	22 Apr 2026	Overall Expiry Date:	27 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Jun 2026
Target Date:	17 Jun 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	16 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1007

**Ludwell Grange, Cinder Hill Lane, Horsted Keynes, Haywards Heath, West Sussex, RH17 7EG, Variation of condition 3 relating to application 13/00879/COU to allow for the use of the indoor swimming pool for hire by a private company.
Mr Samuel Wright**

SUMMARY OF REPRESENTATIONS

One letter received in support of proposal.

SUMMARY OF CONSULTEES

WSCC Highways

No objections to proposal.

HORSTED KEYNES PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

This application seeks planning permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 3 relating to planning permission 13/00879/COU.

RELEVANT PLANNING HISTORY

12/00502/COU - Change of use to allow the use of the indoor swimming pool for hire by a private company. Permission granted 23.03.2012.

13/00879/COU - Change of use to allow the use of the indoor swimming pool for hire by a private company. Permission granted 03.05.2013.

SITE AND SURROUNDINGS

The application site concerns a 'L' shaped brick outbuilding located within the curtilage and to the northeast of the dwellinghouse at Ludwell Grange, a grade II listed building located on the corner of Keysford Lane and Cinderhill Lane in Horsted Keynes. The property is served by a gated vehicular access onto Cinderhill Lane and benefits from a generous parking area located to the northern side of the listed building adjacent to the outbuilding. The outbuilding houses a modest sized swimming pool.

In terms of planning policy, the site lies within the countryside and the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

This application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 3 of planning permission 13/00879/COU.

Planning permission was granted in 2013 under reference 13/00879/COU for the proposed change of use of the indoor swimming pool for hire by a private company.

Condition no. 3 of that permission states that:

"The change of use hereby permitted shall require the operator of the swimming lessons to ensure that the gates on the access for the site shall be open 30 minutes before any swimming lessons are scheduled to begin, and the schedule of such lessons (times and days), previously submitted on 17 April 2012, shall be adhered to unless otherwise agreed in writing by the Local Planning Authority, no less than 7 days prior to a change taking place."

Reason: To ensure that vehicles can be driven off the highway, without obstruction on the adjacent road junction, in the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan."

The schedule of lessons submitted on 17th April 2012, as agreed under application 12/00502/COU and conditioned under 13/00879/COU limited lessons to Wednesdays between 14:00 and 14:30 hours and Thursdays between 10:30 and 11:00 hours, unless otherwise agreed in writing by the Local Planning Authority, no less than 7 days to a change taking place.

This application seeks to remove the requirement that the Local Planning Authority be notified to any changes to the schedule of lessons as long as the total number of hours of lessons does not exceed 15 hours per week between 09:00 to 18:00 hours Monday to Friday.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Horsted Keynes Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- DP1 sustainable economic development
- DP12 protection and enhancement of countryside
- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest SPA and SAC
- DP21 transport
- DP24 leisure and cultural facilities
- DP26 character and design

DP29 noise, air and light pollution
DP34 listed buildings and other heritage assets

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Relevant policies:
SA38 air quality

Horsted Keynes Neighbourhood Plan

The Neighbourhood Plan was made on the 24th May 2023.

Relevant policies:
HK4 maintaining local character and good quality design
HK6 conserving local heritage
HK8 recreation
HK9 The High Weald Area of Outstanding Natural Beauty
HK14 expansion of existing commercial premises

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:
DPS6 health and wellbeing
DPN6 pollution
DPN7 noise impacts
DPC1 protection and enhancement of the countryside
DPC4 High Weald Area of Outstanding Natural Beauty
DPC6 Ashdown Forest SPA and SAC
DPB1 character and design
DPB2 listed buildings and other heritage assets
DPT1 placemaking and connectivity
DPT3 active travel
DPT4 parking and electric vehicle parking infrastructure
DPE1 sustainable economic development
DPI5 open space, sport and recreational facilities

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also

important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.

The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

Accordingly, it is not necessary to reassess all of the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition that is proposed to be amended.

This application essentially seeks to change the schedule of swimming lessons at the premises from between 14:00 and 14:30 hours on Wednesdays and between 10:30 and 11:00 hours on Thursdays to a maximum of 15 hours per week between 09:00 to 18:00 hours Monday to Fridays. The application also seeks to remove the requirement to notify the Local Planning Authority of any changes to the schedule provided that the proposal does not exceed the hours sought.

The use of the swimming pool for commercial purposes has been established under previous planning applications. The proposed intensification in use is supported by District Plan policies DP1, DP16 and DP25 and Neighbourhood Plan policies HK8 and HK14. The proposal is not considered to adversely impact the appearance and character of the rural area, including the High Weald AONB and is not considered to affect the setting of the listed building at Ludwell Grange.

The main issues therefore deemed relevant to the consideration of this application are impact upon neighbouring amenities, impact upon highways and impact upon the Ashdown Forest.

Impact on amenity

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

Policy DP29 also concerns noise and states in part that the quality of people's lives will be protected from unacceptable levels of noise, light and air pollution.

The proposal would increase the hours of swimming lessons taking place on site from a total of 1 hour a week to 15 hours a week between the hours of 09:00 and 18:00 hours Monday to Friday.

The property adjoins Cinder Hill Barn to the northwest, which benefits from a gated parking area which separates the dwelling from the swimming pool building at Ludwell Grange.

As the swimming pool is housed in the existing brick outbuilding which is wholly enclosed, it is not considered that the additional swimming lessons would result in excessive noise or disturbance.

The proposed increase in lessons is likely to generate additional vehicular trips to and from the site, although the number of participants taking lessons is restricted to 5.

The boundary with Cinder Hill Barn is lined with an established hedge that should assist in screening any noise from the adjoining parking area. However, even if this were removed, it is not considered that the proposal would be likely to create a substantial amount of noise and disturbance as to cause significant harm to neighbouring amenities, especially considering that the lessons would not take place outside the weekday hours of 9am and 6pm.

Indeed, the neighbours at Cinder Hill Barn have written in support of the proposal.

Notwithstanding this, on the basis of the information submitted, it is not considered that the proposal would cause significant harm to neighbouring amenities in terms of creating additional noise and disturbance, thereby according with policies DP26 and DP29 of the District Plan.

Highways

Policy DP21 of the District Plan relates to transport and requires decisions on development proposals to take account of whether there is adequate car parking for the proposed development and whether the proposal protects the safety of road users and pedestrians.

Condition 3 of planning permission 13/0879/COU was imposed in the interests of road safety.

The Local Highways Authority at West Sussex County Council has been consulted on the proposal and has advised that the proposed change to swimming lessons "would not be considered to give rise to a highway safety concern. Existing access and parking arrangements are to be retained as previously approved."

In view of these comments, the proposal is deemed acceptable from a highway safety perspective, thereby complying with policy DP21 of the District Plan.

Ashdown Forest Special Protection Area and Special Area of Conservation

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 2nd April 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed development is deemed acceptable in that it should not cause significant harm to neighbouring amenities in terms of creating additional noise and disturbance or pose an issue in respect of highway safety. The proposal is not considered to have an adverse impact on the character of the area or affect the setting of the listed building. There will be no significant effect, alone or in combination on the Ashdown Forest. The proposal therefore accords with policies DP1, DP12, DP16, DP17, DP21, DP24, DP26, DP29 and DP34 of the Mid Sussex District Plan, policy SA38 of the Mid Sussex Site Allocations Development Plan Document, policies HK4, HK6, HK8, HK9 and HK14 of the Horsted Keynes Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn