



Costs Decision

Site visit made on 6 January 2026

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Costs application in relation to Appeal Ref: APP/C3620/W/25/3374467

Ashcombe House, The Crescent, Leatherhead KT22 8ED

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dropfix Plumbing Ltd for a full award of costs against Mole Valley District Council.
 - The appeal was against the refusal of the Council to grant planning permission for prior notification for conversion from commercial/business/service (Use Class E) into 5 No self-contained flats (Use Class C3).
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Decision

1. The application for a full award of costs is dismissed.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council has acted unreasonably by failing to adequately take into account statutory definitions and other material information correctly. Specifically definitions of a building related to Article 3(1), Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO); and judicial authority related to a negatively worded condition following planning approval for dormers and rooflights under a separate but related application¹ for the host building that was relevant to GDPO requirements.
4. In a rebuttal, the Council contends in its view that the roof of Ashcombe House did not qualify in itself as Class MA. Moreover, that it was reasonable to determine the prior approval application based on the existing circumstances, which included the uncertainty regarding the outcome of the planning application for dormer windows and rooflights at Ashcombe House. Therefore, the prior approval application was determined by the Council as it applied to the relevant and specific requirements of the GDPO; and was therefore subsequently refused.
5. These were activities that in the main occurred prior to the appeal being submitted. The PPG is clear that the primary focus of the costs regime in planning appeals is centred on unreasonable behaviour occurring during the appeals process. That said, I acknowledge the evidence submitted by both parties.

¹ MO/2025/02106

6. As such, notwithstanding the Council's interpretation of the GDPO, the fact remains that the dormer and rooflight works had not been permitted by the Council at the time of the prior approval application.
7. Indeed, as it is not possible to submit any external changes under Class MA in the same application, while I note that the full planning application for dormer and rooflights at Ashcombe House was submitted at a similar time to the prior approval application, the complexity of specific scheme details mean that the resultant determination dates may well differ.
8. Therefore, while the lack of synergy between the timing of the determinations would have been frustrating for the appellant, as the Council was carrying out the normal activities associated with a prior approval application in this case; determining it based on existing circumstances, I cannot agree that the Council has acted unreasonably in this case. Consequently, there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

9. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J E Jolly

INSPECTOR