Planning Inspectorate

Costs Decision

Site visit made on 19 May 2026

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2026

Costs application in relation to Appeal Ref: APP/C3620/X/25/3362325
Recreation Ground, Barnett Wood Lane, ASHTEAD, KT21 2BZ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Ashtead Football Club for a partial award of costs against Mole Valley District Council.
- The appeal was against the refusal of Council to issue a certificate of lawful use or development for Commencement of planning permission reference MO/2020/2167, by virtue of the following acts of development: Demolition of existing fence; Demolition of existing MUGA surface; Excavation of drainage channel; Implementation of drainage system in compliance with details approved via application MO/2024/0295.

Decision

1. The application for an award of costs is refused.

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.

Ashtead FC's case

3. The application that formed the subject of the appeal was, Ashtead Football Club says, refused because of the Council's perceived implications arising from the laying of a drainage pipe in an incorrect location.

4. The football club says that the Council incorrectly said that the implications of this were that: the new artificial pitch would be 1m closer to the adjacent skate park and, thus, three of its goalmouths would be on the skate park; the outfall would not meet a manhole and the drainage pipe leading to it; that the works that had been undertaken were not substantially usable in the scheme; and that the incorrect alignment was significantly different and cannot be described as operations that are part of the development.

5. This, the football club says, is wrong. There was no evidence before the Council to show that the pipe dictates the location of the fence and pitch edge, and there was evidence before it that showed this was not the case. The pipe that had been laid, the football club says, could easily connect through the use of a corner-bend pipe.

6. It goes on to say that the Council's assertion that the works are not substantially usable were countered by its own Drainage Consultant.

7. In addition, the Council failed to accurately assess the work undertaken to the fence which, the football club says, also resulted in the commencement of the development.

8. Lastly, the football club was not asked for any clarification or further information that would have clarified the matters and prevented the appeal.

9. The Council's actions were unreasonable and led to unnecessary expense.

Mole Valley DC's Response

10. The Council points to the guidance in the PPG in respect of costs at appeal.

11. In response to the football club's case regarding the implications of the works that were undertaken, the Council says that it clearly and comprehensively set out the reasons why it was refused in its Officer report and appeal submissions. It says that this was done in respect of all aspects of the work.

Reasons

12. Assessing whether works that have been undertaken accord with an approved scheme is a matter of planning judgement made on a fact and degree basis, based on the individual facts of each case. There is no exact scientific approach germane to all cases.

13. In this case, the Council's planning judgement was that there was sufficient difference between the works carried out by the football club and what it had previously approved to refuse to issue a certificate.

14. On balance, I find that its position on the matter, whilst I did not agree with it, was sufficiently well-reasoned. Although the section on Drawing 02 Revision 02 showed the fence and pipe in close proximity, it would be wrong for me to find against the Council's considered view on the matter based on this. That drawing was annotated with some dimensions but had no defined scale. Indeed, the football club argued, in its Statement of Case, that the drawing was "illustrative" or "indicative". To my mind, that runs counter to an argument that the Council should be relied on in matters of the detailed siting of the pipe.

15. Where the Council was shown to be wrong was in its assessment of the implications that would arise from the wrongly positioned pipe. There was no evidence before it to reach the conclusions it did. However, having already reached its position on the position of the pipe this, of itself, did not lead to the appeal. Its mistake was compounded by apparently not looking further into the matter after receiving the comment of its own Drainage Consultant. As the football club says, had it asked for more information on the matter it would have been told that it had no implication for the siting of the pitch. However, the Council was not obliged to do this, as the onus lies with the applicant to make its case in an application for a certificate.

16. That evidence, in the form of the technical assessment of SDA, consultant engineers, was not provided by the football club until the appeal stage.

17. On the matter of the works to the fence, I find that the Council's reasoning was well-founded and well-presented. I agreed, in my decision, that those works, and

those of the claimed demolition of the existing hard surfaced pitch, were insufficient to constitute a commencement of the development.

18. I find that the Council did act unreasonably to a degree in the matter of the implications of the work that had been undertaken. However, having found that there was sufficient difference between the approved scheme and the work carried out to refuse to issue a certificate that unreasonable behaviour did not lead to unnecessary expense.

19. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Curnow

INSPECTOR