



Appeal Decision

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by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: APP/F0114/X/25/3372944

Paulton Rovers Football Club Ltd, Winterfield Road, Paulton, Bristol, BS39 7RF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Paulton Rovers Football Club against the decision of Bath and North East Somerset Council.
 - The application ref 25/00726/CLPU, dated 21 February 2025, was refused by notice dated 14 May 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the change of pitch surface from grass to synthetic 3G.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the avoidance of doubt, I make clear that the planning merits of the proposed change of pitch surface from grass to synthetic 3G are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether the proposed change of pitch surface from grass to synthetic 3G amounts to an act of development under section 55 of the Town and Country Planning Act 1990 (as amended) (the Act) and, if so, whether planning permission would be required for it.

Reasons

4. Section 55(1) of the Act states that '*subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land*' (my emphasis).
5. In this case, the replacement of a grass sport pitch with a 3G sports pitch would not amount to a material change in the use of the land. The primary use of the land would continue to be for playing sport i.e., football.

6. The appellant has referred to section 55(2)(a)(ii) of the Act which states that development does not include the carrying out for the maintenance, improvement or other alteration of any building of works which *'do not materially affect the external appearance of the building'*. The proposal relates to the existing football pitch and not to an existing building on the land. Section 55(2)(a)(ii) of the Act is not therefore relevant.
7. Notwithstanding the above, it is necessary that I consider whether the proposal amounts to an engineering operation as a matter of fact and degree. The appellant has described the proposal in detail and has also included drawing No.002 - standard pitch cross section natural infill. The appellant also comments that *'the contract has confirmed that the conversion will not amount to an engineering operation, it will not alter the profile of the land, and it won't change the character of the surface. The appearance will not change'*.
8. Based on the submitted plan, the proposal would involve the stripping of topsoil; installation of a field drainage system consisting of perforated coils in trenches; drainage connected to an existing system; the laying of MOT type 3 road stone to a depth of 220 mm; the laying of compacted binding stone to a depth of 40mm; the installation of a 10mm pre-fabricated shock pad; and 50mm 3G synthetic grass filled with sand and cork infill.
9. The Act does not fully define what is an engineering operation. Section 336 of the Act does say that it *'includes the formation or laying out of means of access to highways'*. The word *'includes'* indicates that the definition is wider than the formation of layout out of a means of access. The Courts have determined that an engineering operation involves works with some element of pre-planning, which would generally be supervised by a person with engineering knowledge. It is not necessary for the operations to actually be so supervised in the particular case, meaning that the appellant or person who carried out the work does not have to be an engineer.
10. In this case, the proposed removal of the grass surface and its replacement with a 3G surface would involve an element of pre-planning. It would include various sub-layers before the final 50mm layer of 3G synthetic grass is applied with sand and cork infill. While the resultant synthetic grass may appear similar in colour to the existing grass pitch, this does not mean that the works involved in the formation of the new 3G pitch would not amount to an engineering operation as a whole. Indeed, it would involve technical skill and expertise, pre-planning, and the likely use of machinery.
11. Moreover, while the proposed 3G synthetic grass may have the appearance of the colour grass, it is my judgement that the proposed engineering operation would result in a permanent and material change to the surface of the land. As a matter of fact and degree, I therefore conclude that the proposal would amount to an act of development under section 55(1) of the Act, i.e. an engineering operation. Moreover, it would not fall to be permitted development in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning permission is therefore required for the proposal.

Conclusion

12. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the change of pitch surface from grass

to synthetic 3G is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley

INSPECTOR