



Appeal Decision

Site visit made on 13 August 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/A3655/W/25/3364067

6 Church Street West, Woking GU21 6DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by BMR Epsom Ltd against the decision of Woking Borough Council.
 - The application Ref is PLAN/2025/0103.
 - The development proposed is Prior Approval under the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to provide 33x residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a description for the proposed development, referring instead to a covering letter supplied at the same time. That letter did not provide a succinct description. The appeal form erroneously referred to 'Prior Approval for the change of use of 6 Church Street West from commercial into 40 no. residential units'. Given the above, I have used the description of development from the decision notice in the banner heading above.
3. I have been made aware that a subsequent application for prior approval under Class MA¹, with a reduced number of residential units, has been approved since the decision leading to this appeal. I have been provided with few details for this approved scheme and have, in any event, assessed the appeal proposal on its own merits.

Background and Main Issue

4. Class MA of the General Permitted Development Order (2015) (the GPDO) permits the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use within Class C3 (dwellinghouses). This is subject to compliance with the terms set out at MA.1 and, thereafter, requires the developer to apply to the local planning authority for a determination as to whether its prior approval will be required as to, amongst other things, the provision of adequate natural light in all habitable rooms of the dwellinghouses.

¹ Application reference PLAN/2025/0335.

5. The Council accepts that the proposed development complies with the terms set out at MA.1 and, as such, qualifies as permitted development subject to the considerations in MA.2. I find nothing that contradicts this conclusion. The main issue, and sole point of dispute in the appeal, is whether the proposed development would provide adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

6. The appeal site is an irregular shaped office building with an open central courtyard. It is proposed to convert this into 33 flats. The GPDO requires the provision of adequate natural light in all habitable rooms of the [proposed] dwellinghouses. The GPDO is clear that prior approval must be refused if adequate natural light is not provided in all the habitable rooms and also that refusal may result from a failure to demonstrate adequate provision.
7. The proposal includes the document 'Internal Daylight and Sunlight Assessment; Issue 2' (2025) (the IDSA). This cites the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice; 3rd Edition' (2022) (the BRE guide), which both parties cite as authoritative.
8. Distinguishing between daylight and sunlight, the IDSA states that all of the proposed flats would receive BRE-compliant levels of the former, and that 16 of the flats which have windows within 90° of due south, would receive compliant levels of the latter.
9. In addition to the 16 flats cited, Units 16, 17, 31, and 32 would also have windows within 90° of due south but have not been assessed for levels of sunlight. As such, whilst it may be that 20 of the flats could receive BRE-compliant sunlight levels, the point is only demonstrated in respect of 16 of them. Those flats that would have broadly north-facing windows are not listed amongst those that would receive BRE-compliant sunlight levels, and it is clear their orientation would indeed be restrictive in that regard.
10. The BRE guide glossary defines 'Daylight, natural light' as 'Combined skylight and sunlight'. It appears clear that for the purpose of this appeal 'skylight' in BRE terms means 'daylight' in the terms of the IDSA. The Council contends that flats must benefit from both daylight and sunlight to achieve BRE-guide compliance. The appellant states that through levels of skylight alone, the proposed north facing dwellings are BRE-compliant. However, given the BRE guide definition, I have been provided with very little to show me that the Council's approach is anything other than correct. Whilst the BRE-guide is meant to be applied flexibly, insofar as it relates to levels of daylight and sunlight the proposed development does not comply with that guide, as at least 13 of the flats would not receive enough sunlight.
11. The GPDO itself does not define 'natural light', let alone in BRE terms. Failure to comply with the BRE-guide does not necessarily equate, therefore, to non-compliance with the GPDO. Indeed, the National Planning Policy Framework (the Framework) states that in the context of seeking to make efficient use of land, a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). There is no dispute that, natural light aside, the flats would provide acceptable

living standards and, given the efficient use the appeal scheme would make of the site, a flexible approach to natural light is appropriate. I also recognise the urban nature of the setting and the constraints imposed by the re-use of an existing building.

12. Units 5, 9-13, and 24-28 would be south-facing and benefit from large windows to habitable rooms. The Council has raised no objection to natural light levels in these units, and I see no reason to view matters differently.
13. Units 1-4, 6-8, and 20-23 would face broadly northwest and, in the case of the ground floor units, be set back behind an overhang. As such, none of these units would be well oriented to benefit from sunlight. Even so, the habitable rooms would be served by large expanses of glazing opening out onto a wide, open space in Church Street West. As a result, the amount of daylight entering these units would likely be reasonably high. I see no cause to find that Units 1-4, 6-8, or 20-23 would suffer inadequate natural lighting.
14. Units 14 and 15 would rely on glazing facing the internal courtyard. Whilst the northernmost bedroom of Unit 14 would have narrow windows, they would be tall and comprise reasonably generous openings relative to the size and layout of the room. Other bedroom windows in these flats would be large. The position of bedrooms on the first floor would limit the direct light reaching the windows, but they would be within 90 degrees of due south and so likely receive some direct light. I appreciate that occupants may spend time in their bedrooms in the day, but it is more likely that they would occupy the main living areas, which would benefit from reasonably extensive glazing in a position likely to receive direct sunlight. Overall, I see no reason to find that Units 14 and 15 would provide inadequate natural light.
15. Whilst Units 16 and 17 would benefit from tall, reasonably expansive glazing, it would be at the narrow end of the courtyard, and on the first floor. That said, the living area of Unit 16 is relatively shallow and, given this, I see no reason why it, and the bedroom in that flat, would not be adequately illuminated. The living area of Unit 17, however, would be some 7m wide and, given the conditions, I see little to demonstrate that its western and southern sections would be anything other than inadequately served by natural light.
16. The living areas of Units 18 and 19 would rely on narrow sections of glazing which would receive no direct sunlight. I have little evidence that conditions within would be anything other than gloomy and dispiriting as a result; it appears they would be inadequately served by natural light.
17. The living areas in Units 29 and 30 would benefit from reasonably expansive glazing, and I see little reason to doubt the findings of the IDSA that both would be adequately illuminated. The bedrooms in these units would be reliant on east-facing windows. These are reasonably large openings. However, given the prospect of development on the neighbouring plot, it is not evident that these rooms would receive any direct light at all. Given they would be some 7m wide, I see no reason to find that they would be adequately illuminated.
18. Unit 31 would replicate the arrangement at Unit 16 and is acceptable for the same reasons. Units 32 and 33 would replicate the arrangements at Units 17 and 18, which I have found to be inadequate. I recognise that Units 32 and 33 would be a floor higher, but I have little to demonstrate that this would have a beneficial effect.

19. In summary, Units 17-19, 29-30, and 32-33 would not evidently receive adequate natural light in all habitable rooms of the dwellinghouses.
20. I have been provided with three previous appeal decisions; the first in Woking², the second in Runnymede³, the third in Hart District Council⁴. In each case, the developments were approved despite including residential units that depended upon north-facing glazing. Whilst only one of these decisions relates to prior approval under Class MA, I recognise that some dwellings that receive little or no direct sunlight may nevertheless receive adequate natural light for the purposes of the GPDO. Indeed, I have found Units 1-4, 6-8, and 20-23 in the appeal scheme to be such dwellings.
21. However, I see very little to show me that the north-facing dwellings in the Woking and Hart District schemes were comparable to the units within the appeal scheme that I have found would receive inadequate natural light, specifically in respect of the size and extent of glazing, the external, setting, and the size and configurations of the rooms in question. It is apparent that, in the Runnymede scheme, the north-facing dwelling was served by six windows providing the unit with a good level of daylight. Overall, the cited previous decisions carry little weight in my determination given the above.
22. The appellant has drawn my attention to the percentage of dwellings receiving sunlight, including in the context of the previous decisions above. The Council has also considered this. The requirement of the GPDO is for the provision of adequate natural light in *all habitable rooms* of the dwellinghouses (my emphasis), and I see little evidence that the percentage of north facing dwellings is, in itself, instructive in this regard. Indeed, even if a very high percentage of dwellings within a scheme received sunlight, I see no reason why that would necessarily justify the remaining dwellings receiving very low levels of natural light. On this basis, I have attached minimal weight to the percentage in the appeal scheme.
23. It is not evident that the proposed development would provide adequate natural light in all habitable rooms of the dwellinghouses. As such, the proposal does not benefit from permission under Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

24. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

A Knight

INSPECTOR

² Appeal Ref: APP/A3655/W/21/3276467

³ Appeal Ref: APP/Q3630/W/24/3351386

⁴ Appeal Ref: APP/N1730/W/16/3164507