



Appeal Decision

Site visit made on 3 December 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/M3645/W/25/3374198

254 Godstone Road, Whyteleafe, Surrey CR3 0EF

- 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 Mr A Steinberg against the decision of Tandridge District Council.
 - The application Ref is 2025/911/NC.
 - The development proposed is Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 1 apartment.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of Class E space to form 1 apartment at 254 Godstone Road, Whyteleafe, Surrey CR3 0EF in accordance with the application TA/2025/911/NC dated 12 August 2025 and the details submitted with it. Including plans GR.254.PR.01 and GR.254.PR.03.

Applications for Costs

2. An application for costs against the Council is the subject of a separate decision.

Preliminary Matters

3. Descriptions of the appeal site vary on the documents before me. The application form and decision notice both include the words 'Advertising Right', though the appeal form and various submissions from the appellant do not. The meaning of the term is unclear, though I note what appears to be a vacant billboard on the flank wall of No 254. I have omitted the term from the banner heading above as it is not evidently part of the site address, and to avoid any potential confusion.
4. In a recent previous appeal at the site¹, the same development scheme that is before me was allowed. It may proceed irrespective of my findings in this appeal, therefore. That is a significant material consideration.

Background and Main Issue

5. 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

¹ Appeal Ref: APP/M3645/W/25/3369313.

(dwellinghouses). This is subject to compliance with the terms set out at MA.1. Thereafter, MA.2 requires the developer to apply to the local planning authority for a determination on 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.

6. 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. Of these, the Council finds no grounds for objection save for one, that inadequate natural light would be provided to habitable rooms in the dwelling. I find nothing to lead me to a different view.
7. 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 proposed dwellinghouse.

Reasons

8. The appeal scheme comprises the conversion of the lower ground floor of No 254 to studio accommodation. The site is set into sloping land, such that it is subterranean at its eastern end but broadly level with external ground at its western end. The northern flank of the site is a party wall, and the southern flank runs alongside a sloping accessway. Three windows exist along the southern flank wall of the site, immediately adjacent to the accessway and close to its external ground level. The site is accessed by a stairwell leading to a glazed door. These would be the sole sources of natural light to the dwelling.
9. The previous appeal considered a Daylight and Sunlight Assessment dated February 2025. This demonstrated compliance with the 2022 Building Research Establishment (BRE) guidance in respect of internal light levels. A supplementary document dated July 2025 was supplied in the course of the previous appeal, as well as with the application leading to this appeal. It adds further support for the proposal.
10. The Council does not argue that the submitted assessment is incorrect, contending instead that compliance with BRE standards does not necessarily equate to the provision of adequate natural light for the purposes of the GPDO. I do not disagree that this may be true in general terms, but in this instance no new issues have been raised that would justify reaching a different conclusion to the previous Inspector. I find that the proposed development would provide adequate natural light in all habitable rooms of the proposed dwellinghouse.

Other Matters

11. I note the Council's concerns that the site may not have an internal floor area of at least 37m², as required by the GPDO. Notwithstanding the approach of the previous Inspector, I have made my determination on the basis of the plans before me whilst also noting the provisions at Paragraph W(12) of the GPDO, which require the development to be carried out in accordance with the approved details. In this case, that includes internal floorplans to a recognised scale. Any non-compliance with those plans is a matter for the Council to consider as appropriate.

12. I recognise that third-party objectors have set out varied concerns. The nature of the prior approval system in this instance is such that I can only consider the matters set out in the GPDO.

Conditions

13. Paragraph W(13) of the GPDO allows the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter. As paragraph MA.2(5) requires the development to be completed within a period of 3 years, a condition is not required in that regard. As above, paragraph W(12) of the Order require that development must be carried out in accordance with the approved details. I have not been made aware of any need to impose additional conditions and see none for myself.

Conclusion

14. For the reasons given above, the appeal is allowed, and prior approval is deemed to be granted.

A Knight

INSPECTOR