
Costs 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

Costs application in relation to Appeal Ref: APP/M3645/W/25/3374198 254 Godstone Road, Whyteleafe, Surrey CR3 0EF

- 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 Mr A Steinberg for a full award of costs against Tandridge District Council.
 - The appeal was against the refusal of the Council to grant prior approval for change of use of Class E space to form 1 apartment.
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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.
3. The applicant contends that the Council has behaved unreasonably in; (1) refusing the application given the detailed technical evidence, including that provided in response to the previous refusal of application 2025/483/NC and, (2) refusing the application on the basis of light levels having not cited that as a reason for refusing previous application 2025/258/NC.
4. On the first point, the Council was presented with a Daylight and Sunlight Assessment dated February 2025 and also a supplementary assessment dated July 2025. The latter responded to the Council's previous assessment of the former.
5. As I have set out in my determination of the planning appeal, the Council does not disagree that the proposed development would comply with the 2022 Building Research Establishment (BRE) guidance in respect of internal light levels. Rather, it has proceeded on the basis that compliance with BRE standards does not necessarily equate to the provision of adequate natural light for the purposes of the GPDO.
6. I see no fault in this as a broad approach; The GPDO allows for a general assessment made in the round and based on the undefined term 'natural light' rather than 'daylight' or 'sunlight', the operative terms in the BRE standards. Indeed, the GPDO does not mention the BRE standards or its operative terms at all.

7. I also see no reason to find that the Council were unreasonable in this particular instance; The delegated report is explicit that the assessment had been considered, but that the proposal was nevertheless found to provide insufficient natural light. Whilst the rationale for this was not set out in particularly detailed terms, it was explained. The Council felt that the size and position of the windows would result in inadequate natural light to the furthest part of the proposed dwelling. It was entitled to come to that decision, and I do not see that a greater level of analysis or explanation was required to justify or understand it, as it is a simple argument made in the context of regulations which do not insist upon detailed technical analysis.
8. On the second point, application 2025/258/NC was refused as one of the flats proposed in that scheme fell short of the floor space standard set out in the GPDO. As that proposal was not capable of meeting the requirements for permitted development, it was not necessary for the Council to consider prior approval matters such as the provision of natural light. I therefore see no reason why the decision in question should be taken as accepting the levels of natural light in the appeal scheme; that was simply not a matter the Council had reason to consider.

Conclusion

9. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs against the Council is not justified.

A Knight

INSPECTOR