



Costs Decision

Site visit made on 2 February 2026

by **S Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Costs application in relation to Appeal Ref: APP/H5390/W/25/3376670 84D Lillie Road, London, SW6 1TL

- 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 Erlandsson Holdings Ltd for a partial award of costs against the Council of the London Borough of Hammersmith and Fulham.
 - The appeal was against the refusal of the Council to grant prior approval for the change of use of existing commercial unit at ground and lower ground floor level (Class E) into a self-contained residential flat (Class C3).
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Decision

1. The application 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 PPG also sets out examples of what constitutes unreasonable behaviour. They include: preventing or delaying development which should clearly be permitted; providing vague, generalised or inaccurate assertions about a proposal which are unsupported by objective analysis; not following well-established case law; and not determining similar cases in a consistent manner. The appellant's application for costs centres on these matters.
4. As set out in the appeal decision, whether a development would provide adequate natural light into all habitable rooms is a matter of planning judgement. There is no dispute between the parties on this matter. The Council has submitted, as part of their evidence, several appeal decisions including a decision¹ where an Inspector had noted that while the BRE 2022 Guide provides valuable guidance, it is intended to be applied flexibly particularly in urban areas. The appellant argues, in effect, that as the Daylight and Sunlight Assessment (DAS) found that the proposal would comply with BRE guidance, a flexible approach is not required to be taken in this case.
5. It seems to me that there are contradictions in the Council's evidence. On one hand the Council states that it does not rebut the conclusions of the DAS. On the other, it is stated that the DSA did not make it clear that the windows noted as receiving adequate levels of sunlight do not directly serve habitable rooms, and as such the

¹ Appeal Ref: APP/C5960/W/22/3299244

Council considers the results of the assessment to be misleading. On that basis, and given potential internal barriers to light the Council was unconvinced, as a matter of judgement, that habitable rooms would achieve adequate levels of natural light.

6. I have reached a different overall conclusion to that of the Council. In addition, as set out in the DSA the snug does not meet the minimum level of daylight required by the BRE. Nevertheless, while the apparent contradiction in the Council's approach is not helpful, I am not convinced the interpretation of case law or other decisions, or in terms of the overall conclusion on the main issue based on the available evidence, was unreasonable.
7. The appellant also considers that the Council have misinterpreted the application drawings. In that respect I note the officer's report refers to a vaulted ceiling which is not proposed. Nevertheless, the Council clearly states, at paragraph 6.39 of the officer report that 'a double height void would be created between the ground and lower ground floor just after the stairs'. It therefore seems to me that the use of the phrase 'vaulted ceiling' was a terminological error rather than a misinterpretation of the plans. Accordingly, on that basis I am unconvinced there has been any unreasonable behaviour in that respect.
8. In terms of planning judgment, the Council and appellant have a different view of whether the proposal meets the requirements of paragraph MA.2.(2)(f) of the General Permitted Development Order. This is a fundamental disagreement between the parties that could only be resolved at appeal.

Conclusion

9. Therefore, taking into account all I have seen and read, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.
10. Accordingly, the application for costs is refused.

S Ashworth

INSPECTOR