
Appeal Decision

Site visit made on 15 June 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/A2335/X/19/3242903

Silverdale Golf Club, Red Bridge Lane, Silverdale LA5 0SP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Silverdale Golf Club against the decision of Lancaster City Council.
 - The application Ref 19/00882/ELDC, dated 16 November 2018, was refused by notice dated 20 September 2019.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is an overspill carpark.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) is not well-founded.

Reasons

3. The appeal site forms part of Silverdale Golf Club. It comprises an area of hardstanding composed of loose stone and is accessed off Red Bridge Lane to the east and The Row to the West. At the time of my site visit, the access off Red Bridge Lane was closed.
4. The appellant confirms that the site has been used as an overspill car park in association with the golf club, in particular for competition and open days, for in excess of ten years. This is supported by a statutory declaration by Mr Derek Middleton, a long-time member of the golf club and current Chair of the Board of Management.
5. The Council contend that the car park has not been used as such, based on aerial photographs which depict the site being grassed and free from cars. However, this is a snapshot in time and, in my experience, it is not unusual for an overspill car park to be grassed rather than have a hardstanding, given that due to its very nature it is only used occasionally. At the time the aerial photographs were taken, it is not unreasonable to conclude that at that point in time the overspill car park was not required and therefore one would not expect there to be any cars parked on it. Based on the evidence before me, I

- am satisfied that the site has been used occasionally for car parking over the last ten years.
6. Notwithstanding the above, the question is whether the site has been used so frequently that it has resulted in a material change in the use of the land. Evidence has been submitted showing a large number of programmed events due to have taken place throughout 2020. However, that is only a single year. There is no evidence, other than a very small number of times, including its use during the BBC's filming of 'Autumnwatch' at the neighbouring RSPB Leighton Moss site, that the overspill car park has been used over the preceding years.
 7. Therefore, due to the very limited evidence accounting for the frequency of the use of the site as an overspill car park over the last ten years, I am not satisfied that a material change of use of the land had indeed throughout the period of ten years in question. I acknowledge that the very nature of an overspill car park is for it to be used on occasion; however, the available evidence does not make it likely that there has been an essential change in the character and use of the land during the relevant period, as the appellant asserts.
 8. I find therefore that there is insufficient evidence to demonstrate that on the balance of probabilities the use of the site as an overspill car park has occurred uninterrupted for the 10 year period prior to the application being made.

Conclusion

9. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful development was 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.

Alexander Walker

INSPECTOR