



Appeal Decisions

Site visit made on 13 January 2026

by **A A Phillips BA(Hons), DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

Appeal A: APP/K3605/X/24/3356517

Silvermere Golf Club, Redhill Road, Cobham, Surrey KT11 1EF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Steven Bainbridge MRTPI of Instavolt Ltd against the decision of Elmbridge Borough Council.
 - The application ref 2024/0729, dated 19 March 2024, was refused by notice dated 14 May 2024.
 - 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 car parking.
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Appeal B: APP/K3605/W/24/3348527

Silvermere Golf Club, Redhill Road, Cobham, Surrey KT11 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Bainbridge MRTPI of Instavolt against the decision of Elmbridge Borough Council.
 - The application ref: 2023/3142 is dated 16 November 2023.
 - The development proposed is described on the application form as to install eight rapid electric vehicle charging stations within the car park at Silvermere Golf Club. An existing grassed overflow parking area will become 8 charging bays along with associated equipment. Two of the weight EV charging bays will be fully accessible, allowing for unrestricted access to an EV charger with 1.2 m access on 3 sides of the parking bay.
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Appeal C: APP/K3605/W/24/3356541

Silvermere Golf Club, Redhill Road, Cobham, Surrey KT11 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Bainbridge MRTPI of Instavolt against the decision of Elmbridge Borough Council.
 - The application ref: 2024/1840 is dated 17 September 2024.
 - The development proposed is described on the application form as to regularise the use of an existing car park.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Procedural Matter

4. The Planning Inspectorate made arrangements for an accompanied site visit to be carried out. However, the appellant did not attend and therefore the site visit was conducted unaccompanied. This does not prejudice the determination of the appeals in light of the evidence submitted and the observations made on site.

Appeal A

5. The main issue is whether the Council's refusal to issue an LDC was well-founded. This turns on whether the appellant has proved on the balance of probabilities that the use of the land changed to use as car parking on or before 19 March 2014 and that the use then continued without significant interruption for 10 years after the date of the change.

Reasons

6. In an appeal relating to an LDC the onus of proving the relevant facts rests with the appellant, and the standard of evidence is the balance of probabilities. The appellant's own evidence does not need to be corroborated by independent evidence, and if there is no evidence to contradict or otherwise make the appellant's version of events less than probable, the appellant's evidence alone may be sufficient to justify the grant of a certificate provided it is sufficiently precise and unambiguous.
7. It is my understanding that the original application included the application form, CIL form, site plan 10742-0001_05_Plan 1, two statutory declarations and a supporting statement containing Google Street View and other photographs. Alongside the appellant's Statement of Case, the Conjoined Appeal Statement and Conjoined Appeal Final Comments this remains the evidence submitted in support of the LDC appeal. The Council has reviewed aerial mapping, Google Street View photographs and recent Council records from a previous planning application at the site. The parcel of land in question appears to be currently used as overflow car parking for Silvermere Golf Club. At the time of my mid-week morning visit one car was parked on the land.
8. The statutory declaration of McClelland states that since at least 1983 the land in question has been used as an overflow car park and the frequency of use increased in 1994 when The Inn on the Lake opened. From around 1994 it is estimated that the overflow car park was used to capacity on 40 to 50 days a year, suggesting that the land was used under capacity during that period, also. Peak demand car parking levels then increased again when the clubhouse was extended in 2003. Subsequently, in 2014 the two-tier driving range opened resulting in the overflow car park being used 4 or 5 days a week, especially at lunchtimes but easing off during the winter months when there is reduced demand for the golf course and wedding venues. However, the declaration is somewhat unclear, confirming that post-2014 the overflow "was" being used 4 or 5 days every week. It is not clear that such use has continued without interruption for a continuous period of 10 years, as required.
9. The Hilliard statutory declaration confirms that since at least 1990 the land was used for overflow car parking and that its use increased once the Inn on the Lake opened in 1994. During large events staff were encouraged to use the overflow car park, leaving the hard surfaced area for customers to park their vehicles. The

declaration goes on to state that the site became even busier in 2002 when the Inn on the Lake was extended by adding two function rooms. It is estimated that the overflow car park was being used over 50 times a year. After the opening of the two-tier golf range in 2014 use occurred on most weekday lunchtimes during the summer and most weekends for weddings and Sunday carvery meals in addition to regular golf customers. Post-2014 use on most weekday lunchtimes during the summer and most weekends suggests a degree of seasonal use of the land, indicating that the appeal site is *“regularly used for parking to this day.”* That statement is vague and in my judgement there is insufficient detail to confirm continuous use for the material period as required.

10. Google Street View images show that in July 2008 there was a grass bund on the Land which was removed in October 2012 to provide more convenient access to the car parking area. A photograph from August 2015 shows some use of the Land but only by a few cars whereas the photograph from July 2016 shows the car parking area being used by a large number of vehicles. In addition, the photograph from July 2017 appears to show a resurfaced car parking area which corresponds with evidence in the statutory declarations. I agree with the appellant’s submission that the business owner would only have invested in the project if there had been clear evidence that it would be beneficial to the business, but that does not actually confirm continuous use for a 10 year period.
11. The Council’s concern is that the evidence is that the land has only been used for overflow car parking periodically and temporarily. In support of this, it is contended that Google Street View imagery from October 2014 shows flat ground, unlike in 2008 but there are no vehicles parked, nor is there in evidence from August 2015, June 2017 and March 2018. These are all within the 10 year material period for the purposes of the LDC. The Council acknowledges the use of the land for parking in July 2016 where it looks to be near capacity, September 2020 (3 vehicles), 2021 and 2022 (9 vehicles), March 2023 (1 vehicle), 18 January 2024 (3 vehicles) and 12 April 2024 (4 vehicles).
12. Photographic evidence does show the appeal site being used for car parking purposes; albeit very limited at certain times. I understand that records are not kept of every day use of the land in question and that would be an unreasonable expectation. However, in my judgement the evidence is that the land is sometimes used for car parking, but it cannot reasonably be concluded on the balance of probabilities that the land has been used for car parking since on or before 19 March 2014 and then continued without interruption for 10 years after the start of such use.

Appeals B and C

13. With respect to both appeals the main issues are:
 - i. Whether the development is inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - ii. The effect on the openness of the Green Belt and the purposes of Green Belt designation;
 - iii. The effect on the character and appearance of the area;

- iv. Whether the development would preserve or enhance the setting of a Grade II* Listed Building, Home Farm House and Barns; and any of the features of special architectural or historic interest that it possesses; and
 - v. If the development is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.
14. There is an additional main issue for Appeal B which is the effect on protected species with particular reference to the effects of light spillage.

Whether the developments are inappropriate development in the Green Belt

15. The appeal site is within the Green Belt and the Council considers the proposed development to be contrary to national and local Green Belt policy. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also states that substantial weight is to be given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In addition, the current Framework identifies a broader range of purposes of Green Belt and certain types of development that are not inappropriate in the Green Belt.
16. Policy DM17 of the Elmbridge Local Plan Development Management Plan (April 2015) (the DM Plan) sets out that in the Green Belt inappropriate development will not be approved unless the applicant can demonstrate very special circumstances that clearly outweigh the harm. These aims broadly align with the Framework. Accordingly, I attach significant weight to Policy DM17.
17. The proposed development subject to Appeal B would comprise the installation of eight rapid electric vehicle charging stations, with vehicle parking bays and other elements such as lighting, signage and fencing. Paragraph 154 of the current Framework identifies certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location. The Framework does not define what constitutes 'local transport infrastructure.' However, in this case, the EV charging facility would be a form of infrastructure situated close to the adjacent highway and accessible from the Golf Club driveway and car park. As such I consider it to be local. The facility would serve EV vehicles, including taxis and emergency service vehicles. Consequently, I am satisfied that the proposal constitutes local transport infrastructure.
18. Based on my findings in respect of the effect of the proposal on the openness and purposes of the Green Belt, the proposal does not meet the requirements of the Framework and would be inappropriate development in the Green Belt.
19. With respect to Appeal C the proposal seeks to regularise the use of the land as a car park. The development would not fall within any of the exceptions set out in the

Framework. I have noted that the resurfacing of the land for overflow parking has been found to be lawful but not the actual use of the land for parking. The previous decision to approve the LDC for surfacing the land is a material consideration in this case, but the permanent use of the car park has not been established. The current proposal is for permanent use of the land and no operational development or resurfacing is proposed. Nonetheless, the use of the land as proposed is inappropriate development for the purposes of the Framework and the development plan.

Effect on openness and purposes of the Green Belt

20. As previously set out in this decision, the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Openness has both a spatial and visual aspect. The appeal site is part of a wider golf course complex and, although there are a number of substantial buildings associated with the golf course and other buildings and infrastructure in the locality, it is surrounded by relatively open landscape and the golf course itself.
21. There is also a highway network in the vicinity and the land in question comprises part of the extended car parking area. Therefore, the area has a predominantly open and verdant appearance and the site itself is free from any buildings or other significant development. As such it makes a positive contribution to the openness of the Green Belt.
22. There are clear and relatively open views of the site from the adjacent highway and from the adjacent car park, golf course and wider golf complex. There are also unobstructed views from the access road into the golf course and from other nearby land. Consequently, from both openness and visual perspectives the site is sensitive to change.
23. The proposed development would cover a relatively large area and would include a range of infrastructure, including charging units, a substation, a feeder pillar and associated metering box, a lamp post and other hard surfacing and landscaping. It would occupy a significant spatial footprint including hard surfacing and a formal layout of car parking/charging bays. The development would introduce an appreciable amount of new development, which would have a permanent visual presence. Although it would form part of the wider car parking and golf complex it would have a very different appearance from other development in the locality and would be visually conspicuous. As such it would reduce the spatial and visual openness of the Green Belt.
24. Turning to the purposes of the Green Belt, the development would result in an area of open land being developed and would constitute encroachment into the countryside. This would conflict with one of the purposes of including land within the Green Belt and is an additional aspect of Green Belt harm.
25. In my judgement, with respect to Appeal C permanently using the land as a car park would be a significant and material change compared with its current lawful use as overflow parking for no more than 28 days per year. A permanent car park would have a much greater impact on both the visual and spatial openness of the Green Belt, resulting in harm that is substantially greater than the existing temporary and limited use. In addition, the development would result in the permanent use of land which would encroach into the countryside, conflicting with the purposes of including the land in the Green Belt.

Character and appearance

26. The application site lies within Silvermere Golf Club and the main buildings of the application site are to the east of the appeal site, approximately 200 metres away. The main vehicular entrance into the site comprises a low red brick wall with pillars and plain black railings which retain the overall open character of the site and surroundings. There are many trees, a large lake and golf course areas in the vicinity with the main car park and buildings to the east.
27. The proposed development would be situated to the north of the main access road into the golf club and to the east of Redhill Road. To accommodate the development a section of grass verge would be removed. The charging units are almost 2.2 metres high and are relatively bulky features, particularly when placed in a row of eight. Visually, they would dominate the locality. The substation, feeder pillar, metering box would be enclosed by 1.8 metre high timber fencing and are themselves substantial structures; the sub-station would measure 2.8 metres by 2.8 metres with a height of nearly 2.3 metres. The COP metering box and feeder pillar would measure more than 2.6 metres wide and 1.76 metres high with a depth of approximately 0.63 metres. The three proposed lamp posts would be slender structures with an overall height of 3 metres. The proposed fencing would screen the feeder pillar and meter box, but the substation would be visible. The overall bulk of the proposed plant, fencing and other equipment would be dominant in the locality and would be at odds with the existing rural and recreational character of the area.
28. The submitted plans show the charging points in a tarmac car park with two lamp posts between the access road and the proposed parking spaces and one to the east of the proposed charging spaces. I am concerned that the appearance and light spill from the lamp posts would exacerbate the urbanising effect of the development, changing the location's overall character to a harmful degree.
29. At present, the parking area is surfaced in gravel/grass which contributes to the relatively open undeveloped character at the site frontage. The proposed development would introduce large and bulky modern equipment which would be harmful. The development would be clearly visible from the road and the wider surroundings, negatively impacting the character of the area.
30. Consequently, I conclude that the development would have a harmful effect on the character and appearance of the area in conflict with Policy CS17 of the Elmbridge Core Strategy (July 2011) (the CS) and Policy DM2 of the DMLP. Among other objectives these seek to ensure that new development will deliver high quality and inclusive sustainable design that responds to the positive features of individual locations.
31. Permanent use of the land as a car park could mean vehicles, including large vehicles, being parked on a day-to-day basis. The coverage of the land with vehicles would undoubtedly result in a harmful urbanising effect in this location. Therefore, I conclude on this issue that it would also have a harmful effect on the character and appearance of the area in conflict with Policy CS17 of the Elmbridge Core Strategy July 2011 (the CS) and Policy DM2 of the DMLP.

The historic environment

32. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development that affects a listed building or its setting, special regard should be given to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
33. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.
34. Policy CS17 of the CS requires new development to be high quality and of inclusive sustainable design and to integrate sensitively with the local landscape and heritage assets. Furthermore, Policy DM2 of the DMP requires all new development to be based on an understanding of local character taking account of, among other things, the built and historic environment. Policy DM12 states that planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment.
35. Home Farm House and its associated barns are Grade II* listed buildings, first designated in October 1975. Built around 1860 as a model farm by Charles Buxton of Foxwarren Park, the complex features distinctive diaper-patterned brickwork. The cottage has a plain tiled roof, while the main farm buildings are roofed with Roman tiles. The farmstead is arranged around three sides of a rectangular courtyard, with the cottage positioned to the south-east and a pavilion to the north-west. The cottage is a rectangular building with a lower rear section, crow-stepped gables, and a large chimney stack on the west side. The front elevation is two storeys, divided by a sawtooth brick band. To the right is a single-storey section with an attic, marked by a bargeboarded gable dormer. The main façade includes a three-light first-floor window, a five-light ground-floor window, and a planked entrance door beneath a gabled porch with curved bargeboards. The right-hand return elevation has a single-storey gabled projection with curved bargeboards and a spike finial. The pavilion to the north-west is two storeys high, with crow-stepped gables, a large star-shaped chimney stack on the west side, and a corbelled sawtooth band above the ground floor. Its gables contain seven triangular ventilation slits, set above six arched panels.
36. The farm ranges between the cottage and pavilion are single-storey structures featuring brick arcading and a corbelled sawtooth band at the eaves. The east and north ranges each display triple gables with curved bargeboards and spiked finials.
37. I find that the special interest of the listed buildings is primarily associated with their architectural style, detailing and materials and their association with the former agricultural use of the surrounding land.
38. Although the Grade II* listed buildings are currently screened from the road, this boundary is not controlled by the golf club and could be removed at any time, which would expose the farm complex to the potentially visually intrusive modern development. The character of the previously grassed area has already been eroded since 2013. In my judgement, the proposed development would cause less than substantial harm to the setting of the listed buildings because its modern design is incompatible with the historic, agricultural character of the heritage asset.

Insufficient justification has been provided for placing the development so close to the listed buildings. The degree of harm would be in the mid-range of less than substantial.

39. With respect to the use of the land as a permanent car park the subject of Appeal C, my main concern is that vehicles could be parked there permanently, resulting in an urbanising effect which would to a degree compromise the rural setting of the listed buildings which are associated with the agricultural use of the countryside. The degree of harm would be towards the lower end of less than substantial.
40. As less than substantial harm has been identified, the benefits of the schemes should be weighed against that harm, giving 'great weight' to the preservation of the setting of the listed buildings. With respect to Appeal B the appellant argues that the provision of publicly accessible rapid EV charging infrastructure is a pressing national issue relating to low carbon transport, net zero targets and the transition to an electric decarbonised transport system. However, there is insufficient evidence before me that the proposed infrastructure could not be accommodated in a less visually harmful location that does not compromise the setting of the listed building. I can see that the development would make a contribution towards improving the EV infrastructure, locally, but that would not be significant in my judgement. As such, the benefits do not outweigh the harm that I have identified with respect to the setting of the listed buildings.
41. The public benefits associated with the car park are also limited and do not outweigh the heritage harm I have found. Consequently, with respect to the appeals I conclude that the developments would fail to preserve or enhance the setting of a Grade II* listed building, Home Farm House and Barns; and any of the features of special architectural or historic interest that they possess and would conflict with Policy CS17 of the CS and Policy DM12 of the DMP, the Framework and the LBCAA.

Protected species

42. With reference to Appeal B it is my understanding that the site is situated adjacent to an area identified as Priority Habitat and also a Biodiversity Opportunity Area. In the absence of adequate ecological surveys it is not possible to fully assess the effect of the development on the grassland areas within the site. However, the bare ground habitat to be lost is of limited ecological and conservation value.
43. There is a line of mature trees to the south-west corner of the nearby lake and the lake habitat is likely to be the most valuable habitat, locally. Lighting is proposed in the area which is likely to be used by bats and birds and increased levels may influence the behaviour of certain species. It has not been demonstrated that there would be no harmful effects and as such I conclude that the development may have a harmful effect on protected species with particular reference to the effects of light spillage. That would conflict with Policy CS25 of the CS and Policy DM21 of the DMP which require all new development to preserve, manage and enhance existing habitats, protected species and biodiversity features.

Other considerations

44. The appellant's case with respect to Appeal B is, in part, predicated on the Government's 'EV Strategy': 'Taking charge: the electric vehicle infrastructure strategy' published in March 2022. The EV Strategy outlines the Government's

vision and action plan for expanding electric vehicle charging infrastructure in preparation for the future phase out of new petrol and diesel car sales.

45. The aims of the EV Strategy do not override Green Belt policy, but there is a recognised need for increased provision of EV charging facilities and improved access to such facilities to contribute towards the uptake of electric vehicles. With this objective in mind, it is my understanding that the Council has approved some electric charging facilities within the area.
46. The development seeks to deliver local transport infrastructure in support of the EV Strategy and for the convenience of those using the local highway network. The development would also support the UK's net zero target and the switch to sustainable transport methods alongside environmental, social and economic benefits associated with this. More locally, some businesses may benefit from additional visitors attracted to use the development.
47. However, the contribution that the proposal would make to the overall provision of these is very limited. As such, the benefits attract only moderate weight. Based on the evidence presented, I am not sufficiently convinced that the development in this specific location is justified or that there is an overriding requirement to locate the proposal in the Green Belt.

Green Belt balance

48. The proposal the subject of Appeal B is inappropriate development in the Green Belt and conflicts with one of the purposes of including land within the Green Belt. Furthermore, it harms the Green Belt in terms of a loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. There is also harm with respect to the character and appearance of the area, the setting of the nearby listed buildings and potential harm to protected species. There is some evidence to support the proposal, but those limited benefits do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development would be harmful to the Green Belt contrary to Policy DM17 of the DMP which seeks to protect the Green Belt from inappropriate development. Given the wider harm I have identified above, the development would not accord with the development plan as a whole.
49. With respect to Appeal C the proposed development is inappropriate development in the Green Belt and conflicts with one of the purposes of including land within the Green Belt. Furthermore, it harms the Green Belt in terms of a loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. There is also harm with respect to the character and appearance of the area and the setting of the nearby listed buildings. There is some evidence to support the proposal, but any limited benefits do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development would be harmful to the Green Belt contrary to Policy DM17 of the DMP which seeks to protect the Green Belt from inappropriate development. Given the wider harm I have identified above, the development would not accord with the development plan as a whole.

Conclusions

Appeal A

50. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for car parking is well-founded and that the appeal should not succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Appeal B

51. For the reasons given above and having regard to other matters raised I conclude that the appeal should be dismissed.

Appeal C

52. For the reasons given above and having regard to other matters raised I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR