

Nell Cottage, Nell Bridge House, Aynho Road, Adderbury

12/01330/CLUE

Ward: Adderbury

District Councillor: Cllr N Randall

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Miss L T Smart & Mr K R Mitchell
Nell Bridge House, Adderbury

Ward: Adderbury

Application Description: Certificate of Lawful Use Existing – Use of Nell Cottage as a separate dwelling

Committee Referral: Applicant is a Councillor of Cherwell District Council

1. Site Description and Proposed Development

- 1.1 Nell Bridge House is situated off a layby to the north off the main road from Adderbury to Aynho. Although set back from the road, the main house is quite prominent in the rural landscape. The property consists of a large stone house called Nell Bridge House together with an attached smaller red brick property known as Nell Cottage though this has never been formalised.
- 1.2 This application seeks a certificate of lawfulness (existing) to establish the use of Nell Cottage as a separate dwelling as there is no formal record of there being 2 properties.

2. Application Publicity

- 2.1 None required

3. Consultations

- 3.1 Cherwell DC Legal and Democratic: The evidence supplied by the applicants show that Nell Cottage was used as a separate dwelling between 1986 and 2000. If there has been a break in the use as a separate dwelling the certificate should be refused.

4. Relevant National and Local Policy and Guidance

- 4.1 None required

5. Appraisal

- 5.1 The applicant needs to have demonstrated that the property has been in continuous use for an unbroken period of at least 4 years in order to establish its use as a separate dwelling. The evidence provided, and confirmed by the site visit, demonstrates that the cottage, or annex as it has also been referred to, is physically quite separate from the main house with no internal link between the cottage at the rear and the main house to the front. It is also noted that the properties have separate entrances and separate service meters.
- 5.2 The statutory declarations from the two co-owners state that there were a succession of tenants between 1986 and 2000 but for the last 10 years the cottage has not been let out but a separate Council Tax has continued to be paid. The property is currently being re-furbished.

- 5.3 Our own records show that a planning application in 2001 (01/00253/F refers) has with it a planning officers report that notes that the properties were separate at that time despite being in the same ownership and with a shared drive and parking areas.
- 5.4 The test to be applied is based on “the balance of probability” and it is considered that based on the evidence submitted, and despite that there may have been breaks in the actual living in the Cottage, it is quite separate from the main house and has been for many years so a certificate should be granted.

6. Recommendation

6.1 Approve

First Schedule: Use of Nell Cottage as a separate dwelling

Second Schedule: Nell Cottage, Nell Bridge House, Aynho Road, Adderbury

Third Schedule: Having regard to the information submitted by the applicant and information held by the Local Planning Authority, it has been demonstrated that on the balance of probabilities the Cottage, known as Nell Cottage, has been used continuously as a separate dwelling for a period of more than four years prior to the date of the application.