DELEGATED DECISION REPORT

SMD/2017/0405 **Valid 14/06/2017**	**LYME HOUSE DEVILS LANE LONGSDON**	**LAWFUL DEVELOPEMENT FOR USE AS A SINGLE DWELLING** **(CERTIFICATE OF LAWFULNESS - EXISTING)**

MAIN ISSUES

- The main point for consideration is whether or not the dwellinghouse known as Lyme House Cottage has been occupied in breach of an occupancy condition for a continuous period of 4 years.

DESCRIPTION OF SITE

Lyme House Cottage is a detached brick built cottage of architectural merit. The cottage is positioned to the west of Devils Lane and falls with the curtilage of Lyme House, a detached dwellinghouse located to the west of Lyme House Cottage.

PROPOSAL

This application has been submitted on the basis that Lyme House Cottage has existed as a separate dwelling since April 1997.

The details outlined in the submitted Supporting Statement are summarised as follows:

1. In 1974 planning consent was granted for a replacement dwelling at the site of Lyme House Cottage. A condition of the approval was that the existing cottage was to be demolished. The replacement dwelling was built, which is now known as Lyme House, although the original cottage was never demolished.
2. In 1983 and 1994 consents were obtained for the continue retention and use of the original cottage. The 1994 consent was subject to a legal agreement and restricted the cottage to recreational and private study purposes in connection with Lyme House (the new dwelling at the site).
3. In November 1995 Mr Hilton acquired the property Lyme House. The property comprised of the dwelling, now known as Lyme House, the former cottage, now known as Lyme House Cottage, and the surrounding area of land.
4. Once acquired by Mr Hilton the dwelling at Lyme House was renovated and in April 1996 it became Mr Hilton's family home.
5. Lyme House Cottage was also renovated and used in association with Lyme House.
6. In April 1997 Mr Hilton's son, Oliver, moved into Lyme House Cottage. In August 2002 Oliver's partner also moved into the property.
7. Since January 2007 Oliver Hilton has continually been paying Council Tax to Staffordshire Moorlands District Council for Lyme House Cottage.

Copies of the Council Tax bills for the period dating from 2006/07 up to present day have been provided. The application is also supported by a signed affidavit from the applicant, Mr John Hilton.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1989/0641 Rehabilitation and re-instatement of use of cottage – Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 03.08.2017
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

No objection.

OFFICER COMMENTS

The planning site history for Lyme Cottage is rather scant and somewhat unclear. However, it is clear from the Council tax records that the property has been occupied as an independent dwelling since at least 2007. Therefore sufficient information has been submitted to demonstrate that beyond any reasonable doubt that the cottage has been occupied as an independent dwelling for a period in excess of 4 years. It is therefore concluded that a positive decision should be issued.

OFFICER RECOMMENDATION : Positive

Case Officer: Lisa Howard
Recommendation Date: 21.11.2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council