

Mr N. Pasquale & Mrs E. Pasquale
10 & 10a Sheep Market
Leek
Staffs ST13 5HW

Lisa Howard (Planning Officer)
Staffordshire Moorland District Council
Moorland House
Stockwell Street
Leek
Staffordshire
ST13 6HQ



Monday 2 May 2016

Dear Miss Howard,

Re: 8 Sheep Market, Leek, Staffordshire, ST13 5HW

Planning Application Reference : SMD/2016/0211

**“ Continuation of existing retail premises (shop) at
ground floor level with 2no flats at first and second floor
level. Installation of a rear staircase and walkway and
alteration to elevations”**

We write in connection with the above planning application. We have examined the plans and we know the site well. We wish to object strongly to the installation of a rear staircase and walkway and alterations to elevations.

There is no objection to the retention of the shop premises or for the conversion of the first and second floors to one residential flat.

The objection is to the installation of a raised walkway with access doorways into the first floor elevation overlooking the rear of Primo Piano Restaurant and Pronto deli.

The development will be into the space of the and overlooking the rear yard, causing a loss of privacy, overbearing and overshadowing.

The proposal is for two number two bedroom flats which is an overdevelopment of the site.

There is *the right to store a dustbin for use in connection with the said adjoining premises (number 8) in the yard* and access over the yard on foot only from the existing rear door of the premises *on the ground floor*.

The visual impact of the walkway will be comparable to building a suspension bridge over someone's back garden.

The effect of the two flats will be an increase of the right of way across the back of Primo Piano and Pronto deli. From no-one to eight or more people.

The security of the business through which there is, *a right on foot only*, will be greatly affected.

The applicant *does not own the land* over which they want planning permission for the walkway.

The walkway proposed to be built is to be minimum one metre away from the building and one metres width with handrail and vertical bars painted Hammerite black into the yard space of Primo Piano Restaurant and Pronto Deli.

The proposal is not workable for the right of way granted is from the *premises* of 8 Sheep Market and not the yard into which the proposed rear staircase 'would be' exist.

There is permission for the storage of one dustbin at a place as near as possible to the existing back door of 8 Sheepmarket.

Where will the other bins be stored ? How will they be accessed?

There is no right to wheel bins or barrow across the back yard or a right on foot.

There is a rear doorway to the premises of number 8 and a small doorway and entry to Sheep Market with the rear yard between the two over there is a right of way amongst 3 euro bins, empty bottles, cardboard etc , not the best entrance to your home (the flats)

The Latin phrase, ' cuius est solum, eius est usque ad coelom et ad inferos' . Which basically translate to " he who owns land does so up to the heavens and down to the centre of the earth" still has the legal status to the extent that it would be trespass to hang the walkway

structure over the space. For example a swinging sign in the case of *Kelsen v Imperial Tobacco [1957] 2 QB 334*

We have met with the applicants, but they have been unable to propose any other access option.

Please consider the above comments for the proposal is not workable especially as they do not own the space through which they wish to build the walkway.

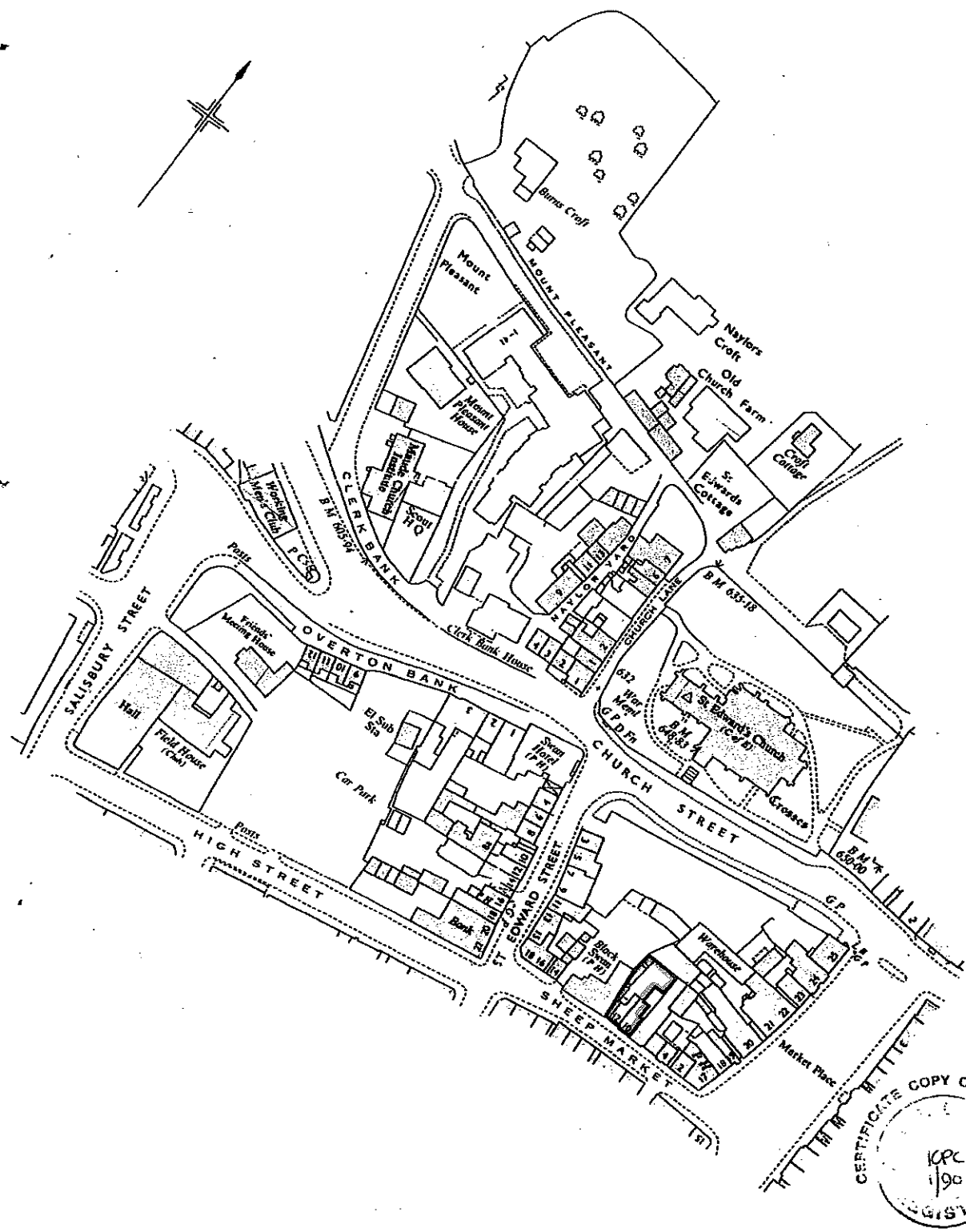
Yours sincerely

Mr ~~N. Pasquale~~ and Mrs ~~E. Pasquale~~

ENC. Copy of the title deeds plans N. 10 & 10a Sheepmarket

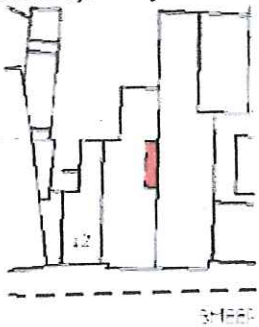
Copy of the charge to register for the right of way from N.8

H.M. LAND REGISTRY		SF 273985	
ORDNANCE SURVEY PLAN REFERENCE	SJ9856	SECTION G	Scale 1/1250
COUNTY STAFFORDSHIRE	DISTRICT STAFFORDSHIRE MOORLANDS	© Crown copyright 1986	





Your freehold property is called 10 and 10a Sheep Market.
 KEVIN JOHN HALLER and HELEN HALLER have a lease of 10a Sheep Market (outlined in blue and marked "1" above). They also have a lease of land adjoining 10a Sheep Market from you and Liz under a different title document.



Term : 12 years from 3 December 2005
 Parties : (1) Nicolas Pasquale and Elizabeth Helen Pasquale (FH owners)
 (2) Kevin John Haller and Helen Haller

The land is subject to the following rights reserved by a Conveyance of the land in this title dated 18 December 1966 made between (1) Evelyn Cleland (Vendor) and (2) Freda Margaret Brassington (Purchaser):-
"EXCEPTING AND RESERVING NEVERTHELESS unto the Vendor and her successors in title the owner or owners and occupiers for the time being of the adjoining premises belonging to the Vendor known as Number 8 Sheep Market, Leek aforesaid the right to store a dustbin for use in connection with the said adjoining premises in the yard of the property hereby conveyed at a place as near as possible to the back door of the said adjoining premises such place to be mutually agreed between the parties hereto AND ALSO EXCEPTING AND RESERVING unto the Vendor and her successors in title the owner or owners and occupiers for the time being of the said adjoining premises and all others authorised by her or them a right on foot only (in common) with the Purchaser and the persons deriving title under her the owner or owners or occupiers for the time being of the property hereby conveyed and all others authorised by her or them) to pass and repass to and from the said adjoining premises to and from Sheep Market aforesaid under and through the covered way and over and along the whole of the said yard forming part of the premises hereby conveyed and (where necessary for the purpose of maintaining and repairing the external wall of the said adjoining premises) with or without workmen and others causing as little inconvenience to the Purchaser as possible in the exercise of this reserved right and making good all damage thereby caused to the property hereby conveyed"

The above restriction allows the owner of number 8 to have a right to store a "dustbin" in your yard close to their back

B: Proprietorship Register continued

2. (9 April 1999) **RESTRICTION**: Except under an order of the registrar no disposition by the proprietor of the land is to be registered or noted without the consent of the proprietor of the Charge dated 22 March 1999 in favour of West Bromwich Building Society referred to in the Charges Register.

C: Charges Register

containing charges, incumbrances etc. adversely affecting the land

1. The land is subject to the following rights reserved by a Conveyance of the land in this title dated 18 December 1966 made between (1) Evelyn Cleland (Vendor) and (2) Freda Margaret Brassington (Purchaser):-

"EXCEPTING AND RESERVING NEVERTHELESS unto the Vendor and her successors in title the owner or owners and occupiers for the time being of the adjoining premises belonging to the Vendor known as Number 8 Sheep Market; Leek aforesaid the right to store a dustbin for use in connection with the said adjoining premises in the yard of the property hereby conveyed at a place as near as possible to the back door of the said adjoining premises such place to be mutually agreed between the parties hereto AND ALSO EXCEPTING AND RESERVING unto the Vendor and her successors in title the owner or owners and occupiers for the time being of the said adjoining premises and all others authorised by her or them a right on foot only (in common) with the Purchaser and the persons deriving title under her the owner or owners or occupiers for the time being of the property hereby conveyed and all others authorised by her or them) to pass and repass to and from the said adjoining premises to and from Sheep Market aforesaid under and through the covered way and over and along the whole of the said yard forming part of the premises hereby conveyed and (where necessary for the purpose of maintaining and repairing the external wall of the said adjoining premises) with or without workmen and others causing as little inconvenience to the Purchaser as possible in the exercise of this reserved right and making good all damage thereby caused to the property hereby conveyed".

2. (9 April 1999) **REGISTERED CHARGE** dated 22 March 1999 to secure the moneys including the further advances therein mentioned.
3. (9 April 1999) **PROPRIETOR**: WEST BROMWICH BUILDING SOCIETY of 374 High Street, West Bromwich, W. Midlands B70 8LR.

END OF REGISTER

NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.
NOTE B: This certificate was officially examined with the register on 9 April 1999.