DATED 5th February 2018

KEVIN PASS and WENDY BARBARA PASS (OWNER'S/GRANTORS)

and

STEWART GJERSTAD and JANE GJERSTAD (GRANTEES)

DEED OF GRANT AFFECTING LAND TO BE REGISTERED LYING TO THE NORTH WEST OF 48 TUNSTALL ROAD BIDDULPH STOKE-ON-TRENT ST8 6HH

TITLE NUMBER: SF625851 (allocated title number to the land in Notice from Land Registry)

CHARLTONS SOLICITORS
Saracen House
84 High Street
Biddulph
Stoke-on-Trent
ST8 6AS

HM Land Registry

Official copy of register of title

Title number SF625851 | Edition date 19.02.2018

- This official copy shows the entries on the register of title on 19 Feb 2018 at 08:20:05.
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- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 19 Feb 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Birkenhead Office.

A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

1 (22.05.2017) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land lying to the north-west of 48 Tunstall Road, Biddulph, Stoke-On-Trent (ST8 6HH).

2 (22.05.2017) The mines and minerals together with ancillary powers of working are excepted.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title possessory

1 (22.05.2017) PROPRIETOR: KEVIN PASS and BARBARA PASS of 48 Tunstall Road, Biddulph, Stoke-On-Trent ST8 6HH.

2 (22.05.2017) The value as at 22 May 2017 was stated not to exceed £80,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (22.05.2017) The land is subject to such restrictive covenants as may have been imposed thereon before 22 May 2017 and are still subsisting and capable of being enforced.

2 (19.02.2018) The land is subject to any rights that are granted by a Deed dated 5 February 2018 made between (1) Kevin Pass and Wendy Barbara Pass and (2) Stewart Gjerstad and Jane Gjerstad and affect the registered land.

NOTE:-Copy filed.

SCHEDULE ONE

1 The Right for the benefit of the Grantee's and their successors in title at all times to use the access way situate within the Owner's Land and shown coloured brown on the plan to gain access to and from,the Grantees Land with or without vehicles.

2 The Right for the Grantee and his successors in title for the benefit of the Grantee's Land at all reasonable times upon reasonable notice to the Owner or their successors in title to enter on to the Owners Land to repair maintain alter or renew the adjoining boundaries of the Grantees Land. The said right of entry being granted only to such part of the Owner's Land and insofar as such entry is reasonably necessary for the purposes stated.

3 The Owner of the Owner's land shall maintain their side of the boundary, otherwise the Grantee shall be allowed entry onto the Owner's land to trim the hedges and weed the boundary.

4 The Owner covenants with the Grantee that they will not obstruct, interrupt or interfere with the exercise of the rights.

5 The Owner covenants with the Grantee to keep the access way and gate in good state of repair and condition and to carry out routine/essential repairs.

6 The Owner consents to notice of the rights and of any restrictive covenants made in this deed by the owner being noted against the Registered Title to the Owners Land.

MapSearch

Titles

Title number	Estate Information	Address
No registrations found		

- Terms and conditions
- Freedom of information
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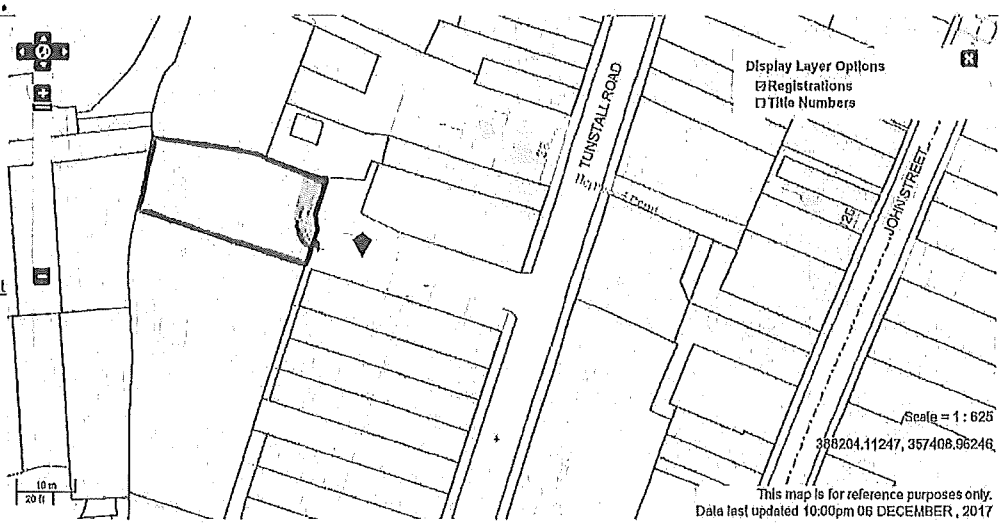

COMMITTEE DECISION FORM

DECISION: ~~Approve~~/Refuse	FILE REFERENCE: SM 98-0708
DECISION NOTICE FORM: D/R ~~Approve~~/Refuse	TOWN/~~PARISH COUNCIL~~ LETTER: ~~YES~~/NO
PLAN NO's: 1, 2 + 3	

~~CONDITIONS:~~ As ~~committee recommendation~~/plus ~~additional conditions listed~~ below

Notwithstanding the details put forwards it is not considered that a satisfactory means of access from the application site to the adopted highway can be achieved on land within the ownership or control of the applicant.

REASONS: As committee recommendation/plus additional reasons listed below

OFFICER'S INITIALS:	DATE: 11-11-98.

SM.98-0708 - OUTLINE APPLICATION WITH DETAILS OF ACCESS FOR TWO DWELLINGS ON LAND TO THE REAR OF 48 TUNSTALL ROAD, BIDDULPH. (REC: 18.08.98)
Mr. and Mrs. D. Pace

Planning Policy	Lies within the Biddulph Town Centre development boundary.
Planning History	SM.97-0517 - Outline Application for residential development of 2 dwellings - refused 21st August 1997.
Biddulph Town Council	Raise concerns regarding the site access.
County Highways	Raise no objection to the proposal.
North West Water Authority	Raise no objection to the proposal.
Environment Agency	Raise no objection to the proposal.
British Coal	No objections but advise that Technical advice should be sought prior to work commencing - two mine entries within 20 metres of the site.
Representations	A Site Notice has been displayed and nearest neighbours notified. To date no representations have been received.
Observations	This proposal is for an outline application for 2 dwellings on land to the rear of 46-62 Tunstall Road. Means of access has been shown. The site is low lying in comparison to the properties on Tunstall Road, but by comparison slightly elevated in relation to properties at the rear in Havelock Grove and Bellringer Close. A previous application refused on 21st August 1997, did not include any clear means of access. The Highway Authority raises no objection to this application and although the access is not included within the site boundary there is case law to suggest that a private legal agreement in the form of indemnity insurance for a right of way is a satisfactory means of ensuring a suitable access to the site. Whilst the access to the site is not within the legal ownership of the applicant, it seems clear from the applicant's solicitor that the applicant could claim a possessory title from the land registry over part of the access land on the basis of occupying the same for up to 25 years without challenge from the landowner. The remainder of the access land whilst not occupied by the applicant has been used by the

Continued .../

Observations (Continued)

applicant both on foot and with vehicle over the 25 year period to gain access to that land while being occupied. The applicants agent states that this would entitle his client to claim prospective rights of access.

A 1994 House of Lords decision supported the imposition of a Grampian type condition in circumstances where an applicant for a housing development did not own the land over which access would have to be gained. The condition in this case required the access road to be completed to base course level prior to the commencement of the construction of the residential development.

The shape of the site and its relationship to houses in Bellringer Close and Havelock Grove would suggest that should any approval be granted, single storey development should be conditioned as the distances to the properties at the rear, are not adequate to allow two storey development to comply with the Space About Dwellings Standards in the Local Plan.

With regard to the reason for refusal relating to backland development, these have not been found to be sustainable on appeal unless there is a clear adverse effect on the amenities of neighbours in terms of disturbance from the comings and goings of traffic. This is unlikely to be the situation with this development which has not elicited any significant response from neighbours nearby. There is also no support from the highway authority to such a limited form of development.

On balance, it is felt that if a reserved matters application were to be submitted for single storey development because of the levels of the site in relation to properties in Bellinger Close and Havelock Grove, the proposal should avoid affecting the amenity of neighbouring houses, but a sensitive design and good landscaping will be particularly important if the new buildings are to be fitted successfully in to this site. Therefore, on balance this application is recommended for approval.

Recommendation

That planning permission be **GRANTED** subject to the conditions-

1. (a) In the case of any reserved matter, the application for approval must be made not later than the expiration of three years, beginning with the date on which this permission is granted; and

   (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

Continued .../

Recommendation (Continued)

(i) The expiration of five years from the date on which this permission is granted; or

(ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990.

2. Approval of the siting, design, external appearance of the buildings and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority, before any development is commenced.

Reason

The application is in outline only and not accompanied by detailed plans.

3. The development shall be single storey only and shall provide no accommodation in the roof space.

Reason

In the interests of the residential amenity of neighbouring properties.

4. The perimeter hedgerow around the site shall be maintained and retained to the satisfaction of the LPA.

Reason

The existing hedgerow is an important amenity feature which should be retained.

5. Prior to the commencement of any development the access road to the site between points A and B on the approved plan shall be constructed to base course standard.

Reason

To enusre a satisfactory means of access is available to serve the development.

Note For Applicant

Technical advice should be sought prior to work on site in view of the mining circumstances nearby.

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