

Planning Department,
Staffordshire Moorlands District Council,
Moorlands House,
Stockwell Street,
Leek,
ST13 6HQ

Mr. & Mrs. Mothershaw,
The Old Barn,
Oakhill,
Upper Tean,
ST10 4JH

Wednesday, 17 April 2024

Dear Sir/Madam,

Re: Application Ref: SMD/2024/0145 - Objection Letter

We are writing to formally object to the proposed planning application submitted by Mr. & Mrs. Williams, Application Ref: SMD/2024/0145, regarding the change of use from holiday lets to residential use of three dwelling houses situated at Oakhill Farm.

Our objection primarily revolves around the potential impact of this development on the right of access across a shared driveway, which we own part of. As outlined in the documentation provided, we highlight the section of the shared driveway that we own, along with the rights and easements associated with it. At present, this section of driveway is explicitly for the benefit of The Old Barn (our property) and Oakhill Farm (i.e. Mr. & Mrs. Williams property), forming part of Oakhill Estate. These rights include:

- (a) A right of way at all times and for all purposes over the drive between the points marked A and B on the plan provided.
- (b) The right to enter the drive for the purpose of conducting repairs necessary to maintain it in a reasonable state of repair, with the cost of repair and upkeep shared proportionally among users.

Firstly, we assume residential access to the properties will be granted on a year-round basis (up from the current six-month tenancy). The potential consequences of change of use is likely to lead towards additional vehicles utilising the shared driveway on a daily basis. This could lead to congestion, safety hazards, and disruption to the surrounding area, including neighbouring properties situated on the Oakhill Estate. Any alterations to the current usage of the three dwellings must be carefully considered to ensure the preservation of the shared driveway.

Additionally, the change from the current six-month holiday let to permanent residential use will undoubtedly place additional strain on local infrastructure, including doctors' surgeries, schools, and the road network around the village. Considering the abundance of vacant properties in the village awaiting owner/occupiers; we would argue that there is no compelling need to increase the available number of properties in the area by instating the change of use proposed by Mr. & Mrs. Williams.

Furthermore, the proposed change of use to the three dwelling houses raises significant concerns regarding the current prescribed rights and easements. Whilst Mr. & Mrs Williams (i.e. Oakhill Farm) have rights and easements over our owned section of the shared driveway, the three dwelling houses and their new respective owners/tenants will not. Any access to these dwellings by anyone other than

Oakhill Farm will be in breach of the current rights and easements and will be pursued by us under the grounds of trespass and nuisance.

Matters will also become problematic should Mr. & Mrs. Williams proceed to transfer the ownership of the property in the future. Changes in the current rights and easements to include the owner/occupiers of the three dwelling houses will not be permitted or granted. Should Mr. & Mrs. Williams wish to provide access to the three dwelling houses, then it must be done so by means of constructing of a separate track or driveway to these dwellings. This too will ensure that the burden on the shared driveway and associated rights of access are not further compounded.

Should this application be considered or even approved by Staffordshire Moorlands District Council, it should be done so on the basis that private access should be provided to these dwellings, as vehicular/pedestrian access across the current section of driveway owned by us will not be permitted.

I urge the Staffordshire Moorlands District Council to carefully review the proposed development in light of the existing rights and easements associated with the shared driveway. Any decision made regarding this planning application must prioritise the preservation of these rights and the well-being of all parties involved.

Thank you for considering our objections to this planning application. I trust that the Council will thoroughly assess the implications of the proposed development before reaching a decision.

✓ Mr. & Mrs. Mothershaw

HM Land Registry

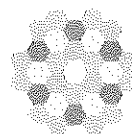
Current title plan

Title number **SF414596**

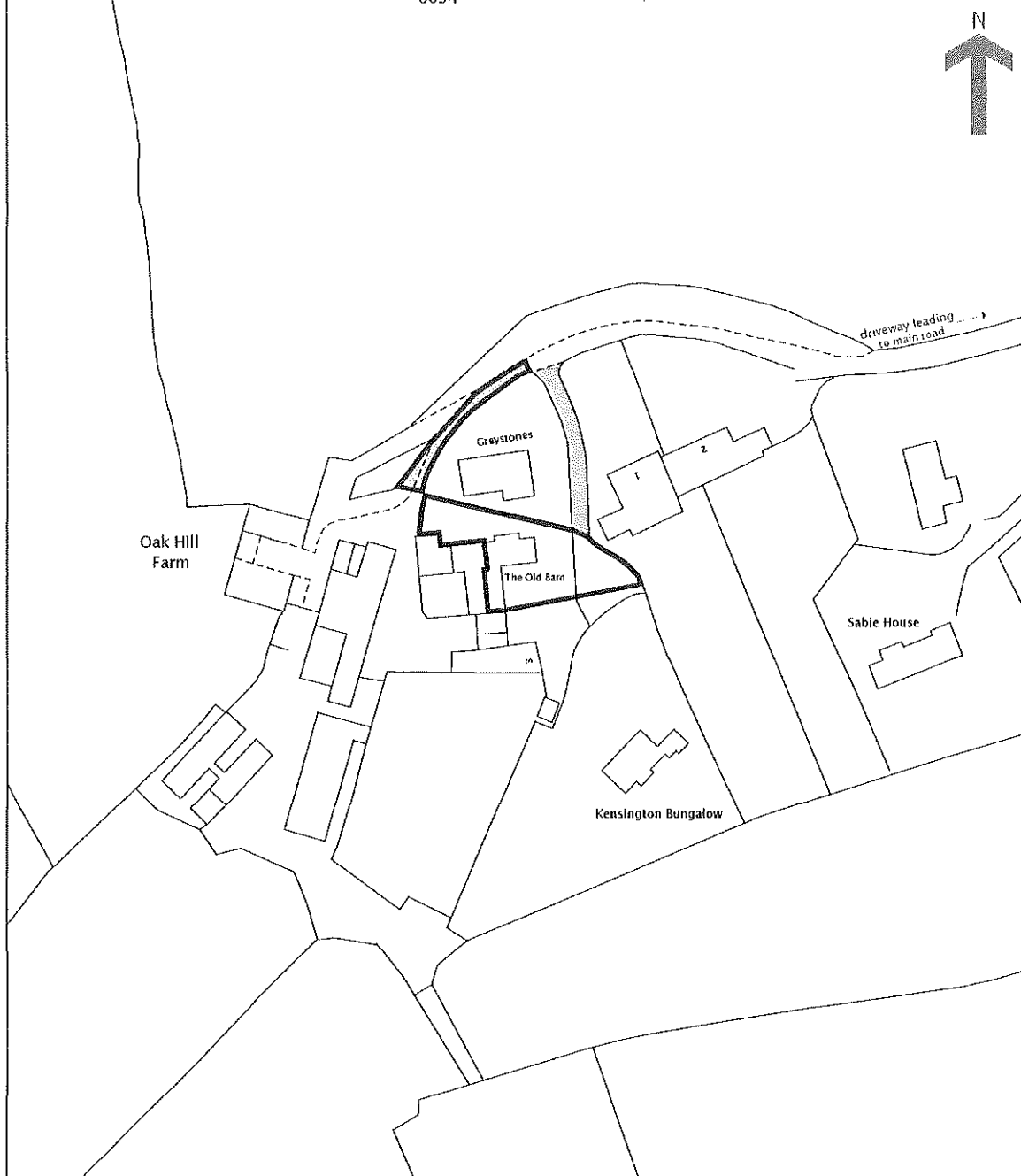
Ordnance Survey map reference **SK0039SW**

Scale **1:1250 enlarged from 1:2500**

Administrative area **Staffordshire :**
Staffordshire Moorlands



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0054



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This title is dealt with by HM Land Registry, Birkenhead Office.

Title Number : SF414596

This title is dealt with by HM Land Registry, Birkenhead Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

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This extract shows information current on 3 DEC 2017 at 19:24:50 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: SF414596
Address of Property	: The Old Barn, Oakhill, Tean (ST10 4JB)
Price Stated	: Not Available
Registered Owner(s)	: MARTIN SIMON MOTHERSHAW and JANE SHARON MOTHERSHAW of The Old Barn, Oakhill, Upper Tean, Staffordshire ST10 4JB.
Lender(s)	: National Westminster Bank PLC

Title number SF414596

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 3 DEC 2017 at 19:24:50. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

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

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

- 1 (31.08.1999) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being The Old Barn, Oakhill, Tean (ST10 4JB).
- 2 (31.08.1999) The land has the benefit of the rights granted by but is subject to the following rights reserved by the Conveyance dated 8 April 1957 referred to in the Charges Register:-

TOGETHER WITH a right for the Purchaser and its successors in title to enter upon the garden Part O.S. 39 retained by the Vendor and the field Part O.S. No. 51 for the purpose of inspecting repairing and renewing and maintaining the water pipe line running through such property so far as the same is required for the supply of water to the property hereby conveyed subject to the Purchaser or its successors in title making good any damage caused thereby AND TOGETHER ALSO WITH the right for the Purchaser and its successors in title as heretofore used for drainage to the existing sewage tank in Part O.S. No. 51 TOGETHER WITH the right to enter upon such field for the purpose of inspecting renewing repairing or maintaining such tank and the drains connecting therewith TOGETHER WITH the right (if required and subject to the prior consent of any tenant being obtained) to connect to the said existing sewage tank and overflow drain or effluent drain through O.S. No. 51 in a position agreeable to the Land Agents of the Vendor to the main sewer..... EXCEPT AND RESERVING in fee simple unto the Vendor and his successors in title lessees and tenants owners and occupiers for the time being of the Oakhill Estate then or formerly belonging to the Vendor and all other persons to whom he or they might have granted or might thereafter grant similar rights and easements the rights and easements set forth in the 1st Schedule thereto

THE FIRST SCHEDULE above referred to

Rights and Easements reserved to the Vendor

(a) for the benefit of Oakhill Farm which formed part of the Oakhill Estate a right of way at all times and for all purposes over the Drive between the points marked A and B on the said plan and the right to enter thereon for the purpose of doing such repairs as might be necessary to maintain such Drive in a reasonable state of repair the users thereof bearing their fair share and proportion of the cost of repair and upkeep of the said Drive necessitated by the normal user thereof which should by the same proportion as was described in Clause (a) of the 2nd Schedule thereto

.....
..
(c) the right to use as hitherto the electricity cable and supports waterpipe line and drains running through the property thereby conveyed and to enter upon such property for the purpose of inspecting repairing renewing and maintaining such electricity cable and supports waterpipe line and drains

NOTE: Copy plan filed under SF414626.

- 3 (31.08.1999) The land has the benefit of the rights granted by a Deed of Grant dated 24 January 1959 made between (1) Lawrence William Greensmith and Thomas Lovatt Greensmith and (2) Thomas Oakley (Luton)

A: Property Register continued

Limited.

NOTE: Copy filed under SF279308.

- 4 (31.08.1999) The land in this title has the benefit of but is subject to the matters contained in the Agreement dated 30 January 1959 made between (1) The Rural District Council of Cheadle (Council) and (2) Thomas Oakley (Luton) Limited (Company)

NOTE 1: The plan referred to in the above deed was not attached to the copy supplied on first registration

NOTE 2: Copy filed.

- 5 (31.08.1999) The land has the benefit of the rights granted by a Deed of Grant dated 3 April 1959 made between (1) J & N Philips & Company Limited and (2) Thomas Oakley (Luton) Limited.

NOTE: Copy filed under SF279308.

- 6 (31.08.1999) The land has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land in this title dated 17 July 1959 made between (1) Thomas Oakley (Luton) Limited (Vendors) and (2) John Bryan (Purchaser):-

"TOGETHER WITH a right of way in common with the Vendor and all other persons now or hereafter entitled thereto for all proper purposes connected with the property hereby conveyed over and along the Drive from the main road and over and long the land coloured Pink and partly edged Brown

EXCEPT AND RESERVING unto the Vendor and its successors in title owners for the time being of Bungalow numbered 1 house numbered 1 and plot numbered 4 on the said Plan the right to use the turning space coloured Pink and partly edged Mauve on the said Plan as forms part of the property hereby conveyed AND EXCEPT AND RESERVING unto the Vendor and its successors in title and all persons who now have or may hereafter have the like right a right of way for all purposes over the land coloured Mauve"

NOTE 1: The land coloured pink and partly edged brown referred to above has been tinted brown on the filed plan

NOTE 2: The turning space coloured pink and partly edged mauve has been tinted pink on the filed plan

NOTE 3: The land coloured mauve referred to above has been tinted mauve on the filed plan

NOTE 4: The bungalow numbered 1, the house numbered 1 and plot 4 referred to above are now known as 3 Oakhill, 1 Oakhill and Kensington Bungalow respectively.

- 7 (31.08.1999) The Conveyance dated 17 July 1959 referred to above contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED as follows:-

(i) That the Purchaser shall not be entitled to any right of light or air or any other right or easement which will or may prejudicially affect the free use by the Vendor of any adjoining or adjacent land for building or any other purposes and this Deed shall be deemed to expressly preclude the grant of any such right

(ii) As between the property hereby conveyed and the adjoining and adjacent property now or formerly belonging to the Vendor where according to the scheme of construction or layout of such properties respectively it is intended that the owners or occupiers thereof shall enjoy privileges or incidents of user over adjoining or adjacent property (whether exclusively or in common with the owner or occupier of such adjoining or adjacent property) there shall be deemed to be granted or as the case may be reserved by these presents rights and easements accordingly and where any such user is intended to be enjoyed as aforesaid shall contribute towards the cost of necessary repair and

*
JOHN BRYAN
OWNED "THE OLD BARN" ORIGINALLY! WHEN WE BOUGHT OUR PLOT!

A: Property Register continued

maintenance in fair and reasonable proportions but otherwise the owner of the dominant tenement shall at his own expense affect all reparation necessary to prevent damage or inconvenience being occasioned to the servient tenement"

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 absolute

- 1 (31.08.1999) PROPRIETOR: MARTIN SIMON MOTHERSHAW and JANE SHARON MOTHERSHAW of The Old Barn, Oakhill, Upper Tean, Staffordshire ST10 4JB.
- 2 (31.08.1999) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 3 (26.11.2010) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 8 November 2010 in favour of National Westminster Bank PLC referred to in the Charges Register.

C: Charges Register

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

- 1 (31.08.1999) A Conveyance of the land in this title and other land dated 8 April 1957 made between (1) Arthur Edward Hewitt (Vendor) and (2) Hinckley and South Leicestershire Permanent Building Society (Society) and (3) Thomas Oakley (Luton) Limited (Purchaser) contains the following covenants:-

For the benefit and protection of the remainder of the Oakhill Estate and so as to bind the land thereby conveyed into whosoever hands the same might come the Purchaser thereby covenanted with the Vendor that the Purchaser and those deriving title under it would at all times thereafter observe and perform the covenants set out in the 2nd Schedule thereto

THE SECOND SCHEDULE above referred to

(a) that the Purchaser or its successors in title would reimburse to the Vendor or his successors in title the sum proportion of any expense incurred by the Vendor or his successors in title in repairing maintaining or renewing the said electricity cable and supports water pipe line drain sewage tank and drains to be used in common by the parties thereto as aforesaid as the rating assessments of all properties in connection with which the same were used as aforesaid

(b) that no building or erection of any kind should be erected over the site of any electricity cables drains or other services the use of which is reserved to the Vendor as aforesaid

(c) that no obstruction should be caused to the said entrance drive and that the same should be only used for the purpose of access to and egress from the property thereby conveyed

(d) that the Purchaser would at all times thereafter maintain along the boundaries of the property thereby conveyed stock proof fences to the satisfaction of the Vendor

Title number SF414596

C: Charges Register continued

NOTE: The matters contained in the Deed of Grant dated 1 March 1941 do not relate to the land in this title.

- 2 (26.11.2010) REGISTERED CHARGE dated 8 November 2010.
- 3 (02.11.2012) Proprietor: NATIONAL WESTMINSTER BANK PLC (Co. Regn. No. 929027) of Mortgage Centre, P.O. Box 12201, 7 Brindley Place, Birmingham B2 2NA.

End of register

Plan referred to

FROM
LONGTON

The Rocks

S.

TO
UTDLESTER

Tennis Ground

OFFICE COPY issued by
BRKENHEAD
DISTRICT LAND REGISTRY
Title No. SE4148246 SE4148246
COPY (liable to distortion)
of plan to CONVEYANCE
dated 3 APRIL 1957

Heaton 346

NOTE: THIS PLAN IS PREPARED FOR
CONVENIENCE OF IDENTIFICATION ONLY &
ALTHOUGH BELIEVED TO BE CORRECT ITS
ACCURACY IS NOT GUARANTEED & IT SHALL
NOT BE DEEMED TO FORM PART OF THE
CONTRACT.
THIS PLAN IS BASED UPON THE
CEDARHURST SURVEY MAP WITH THE

Scale: 1/2500

E. HEATON & SONS
ENDON
N°905/19.561/D.B.

