

**MINUTES OF THE PLANNING MEETING OF WELLINGTON TOWN COUNCIL
HELD AT Court Fields School Hall, Wellington TA21 8SW on Monday 10th
January 2022 at 6.30pm**

PRESENT: Councillors M Lithgow (Chair), V Stock-Williams, A Govier, J Thorne, M S Pringle-Kosikowsky, N Powell-Brace, J Hunt (Joined at Item 4(a)), J Lloyd, M. Barr

David Farrow (Town Clerk)
Annette Kirk (Deputy Clerk)
Alice Kendall (Deputy RFO & Assistant Clerk)
Rebecca Hunt (Admin Assistant)
Denise Todd Planning Officer - Somerset West & Taunton District Council

Two members of the press in attendance.

Four members of the Public

404. APOLOGIES

Apologies were received and accepted from Councillors C Booth, M McGuffie and D Bradley

405. DECLARATIONS OF INTEREST

Councillor Pringle-Kosikowsky declared a personal interest in Agenda Item 4 (a) (Case ref: 43/21/0099) – used to live in the street.

Councillor Thorne declared personal interest in Agenda Item 5a (Case ref:46/21/0144/CQ) – Approached by someone in connection with the Applicant

Councillors M Lithgow, M Barr and J Lloyd declared a personal interest in Agenda Item 5a (Case ref: 46/21/0144/CQ) – had been approached and received correspondence regarding this application but did not reply.

Councillor Lithgow declared an interest as a member of Somerset West and Taunton Council's Planning Committee and therefore reserved the right to vote differently at SWT's Planning Committee meeting as different facts could be placed before him.

Councillors Lloyd, Stock-Williams and Govier declared an interest as substitute members for SWT's Planning Committee, reserving the right to vote differently if attending SWT's Planning Committee meeting should different facts be placed before them.

406. PUBLIC PARTICIPATION

Five emails were received and circulated to Councillors prior to the meeting, from members of the public who all reside in or walk regularly through the Hamlet of Payton, Wellington. The member of the public also spoke to raise concerns regarding Case Ref: 43/21/0144/CQ

APPLICATIONS TO BE DETERMINED BY TOWN COUNCIL:

- a) Case Ref: 43/21/0099 Proposal: Erection of a single storey extension to the rear of 42 Mitchell Street, Wellington

RESOLVED to Approve the application as recommended by the Planning Officer's report.

407. TO CONSIDER WHAT COMMENTS TO MAKE ON THE FOLLOWING APPLICATIONS THAT WILL BE DETERMINED BY SOMERSET WEST AND TAUNTON COUNCIL OR SOMERSET COUNTY COUNCIL:

- a) Case Ref: 43/21/0144/CQ Proposal: Prior approval for proposed change of use from agricultural buildings into 5 No. dwelling houses (Class C3) and associated building operations at Henley Farm, Harpford Farm Lane, Payton, Wellington

RECOMMENDED that this application be Refused. After considering comments received from members of the public, the Council would like the following comments investigated further to confirm whether the application qualifies as a development under Class Q legislation.

- Was the barns installed and in use prior to 20th March 2013
- To convert the two existing steel framed barns will involve extensive rebuilding which goes well beyond what could reasonably be described as a conversion. To support our concerns we refer to case law on this point - *Hibbitt v. SSCLG [2016] EWHC 2853 (Admin)*. The Applicant in Hibbitt sought to convert a steel-framed agricultural barn which was largely open on three sides to residential use (as with this case). The Applicant had demonstrated that the barn was structurally strong enough to support the loading which would come from the external works necessary to provide for residential use (and thus complied with the relevant NPPG guidance on this point). In the Hibbitt case, the Court upheld the Inspector's view that, notwithstanding compliance with the NPPG guidance, the proposed redevelopment works (including in particular the construction of external walls) were "**so extensive as to comprise rebuilding**" so as not to be works of "conversion" and thus fall outside the permitted development right." In this case, the works went a very long way beyond what might be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.

The High Court judge stated: the planning inspector's decision "simply confirms this well understood principle...it is over-optimistic to expect that a building comprising a light steel frame supporting a corrugated

iron roof, which is largely open to the elements on three sides (except for limited cladding up to a few feet from the ground in some cases) is capable of being converted to residential use without building operations that would be so extensive as to go well beyond the scope of the operations permitted by Class Q, and would amount either to substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building”.

The Henley Farm planning application relates to two existing structures being steel-framed, open sided agricultural barns: directly comparable to the facts of the Hibbitt case. Although the Henley Farm barns may be structurally quite strong, much work would be required to make these agricultural barns into a dwelling(s), again directly comparable with the Hibbitt case.

- Within the last 6 months extensive works have been carried out to the barns and curtilage. Prior to this the barns were largely open to the elements except for limited cladding and low level blockwork
- No highway statement on the planning portal – concerns were raised over the access which was created in December 2021 by bulldozing 10 metres of mature protected hedgerow and is now the subject on Enforcement Notice ref: E/0233/43/21 for the alleged unauthorised new access onto a Highway
- Concerns were raised over increased level of traffic through the narrow lanes, as the proposal shows 10 parking spaces and no allowance for visiting vehicles. Highways recommended refusal on two occasions due to the unsuitability of the access – reference to previous application 43/21/0020.

408. SOMERSET WEST & TAUNTON DISTRICT COUNCIL - 2021 PLANNING DECISIONS FOR INFORMATION ONLY:

Application Number	Proposal	Address	WTC Recommendation	SWT Decision
43/21/0041	Erection of a first floor extension to the side of the dwelling, single storey extension to the rear and side of the garage and conversion of garage into ancillary accommodation at	32 Prices Avenue, Wellington	Refusal	Refused
43/21/0093	Conversion of loft into ancillary accommodation with the insertion of front and rear dormers and erection of a single storey extension to the side with conversion of garage at	8 Millstream Gardens, Tonedale, Wellington	Refusal	Refused
43/21/0118/T	Application to carry out management works to one Beech tree included in Taunton Deane Borough (Wellington No.1) Tree Preservation Order 1997 at	14 Pyles Thorne Road, Wellington (TD670)	Approval	Approved
43/21/0120/HHN	Erection of single storey rear extension at	5 Thomas Place, Wellington		No Objection
43/21/0127/T	Application to fell one Beech tree and one Pine tree (dead) included in Taunton Deane Borough (Wellington No.2) Tree Preservation Order 1977 at	Chimes, Pyles Thorne, Wellington (TD124)		Withdrawn
43/21/0129/NMA	Application for a non-material amendment to application 43/18/0097 for revisions to the soft and hard landscaping at	3 Cornhill, Wellington		Approved
43/21/0092	Application for the approval of reserved matters following outline application 43/06/0016 for the access, appearance, landscaping, layout and scale for the erection of an industrial building (Use Class B8) with	land within Westpark 26, Chelston, Wellington		Approved

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	associated yard and external works on			
43/21/0128	Erection of a single storey extension to the main building at	The Mount Veterinary Hospital, Taunton Road, Wellington	Approved	Approved

Councillor Thorne asked if the Council had yet been formally notified of the outcome of the Elworthy Drive appeal. The Clerk advised that he would look in to this

The meeting ended at 6.55pm

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Councillor Mark Lithgow
Mayor