

**MINUTES OF THE WELLINGTON TOWN COUNCIL PLANNING MEETING HELD
AT THE UNITED REFORMED CHURCH HALL ON MONDAY 09 JUNE 2025 AT
6.15 PM**

PRESENT: Councillor J Lloyd (Chairman)
Councillors S Fox, A Govier, S Mercer and S Pingle-Kosikowsky

IN ATTENDANCE: David Farrow (Town Clerk)
Alice Kendall (Finance Manager)
One member of the press
One Member of the public

The meeting started later than advertised on the agenda due to not being quorate.

50 APOLOGIES

Apologies were received from Councillor M McGuffie.

51 DECLARATIONS OF INTEREST

There were none.

52 PUBLIC PARTICIPATION

The members of the public spoke regarding application 43/25/0040.

At this juncture, it was agreed to bring application 43/25/0040 forward.

Case Ref: 43/25/0040

Proposal: Application for Outline Planning with all matters reserved, except for access, for the erection of up to 75 No. dwellings (including 25% affordable), with access, pedestrian and cycle links, play area, drainage, landscaping and associated infrastructure on land south of Little Jurston, Wellington

After some discussion, it was **RESOLVED** to recommend that this application be refused. Councillors raised concerns for road safety with the access being very close to the bend on a busy major A road. It was noted that there were plans to create an access lane but in doing so it would seem that the verge would have to be narrowed leaving little room for the planned pedestrian pathway. There were further concerns that there was no provision made for the impact on wildlife despite the site backing on to the Doormouse wood. Councillors felt more work was required to build more information.

53 MINUTES

RESOLVED to confirm and sign the minutes of the Planning meeting held 7 May 2025.

**54 TO CONSIDER WHAT COMMENTS TO MAKE ON THE FOLLOWING
APPLICATIONS THAT WILL BE DETERMINED BY SOMERSET COUNCIL**

(a) Case Ref: 43/25/0022

Proposal: Erection of a single storey extension to the rear, conversion of loft into ancillary accommodation and associated works at 9 Gregorys Crescent, Wellington

RESOLVED to recommend that this application be approved.

(b) Case Ref: 43/25/0038/HHN

Proposal: Application to determine if prior approval is required for the erection of a proposed single storey extension to the rear of 25 Crosslands, Tonedale, Wellington

This application was noted.

(c) Case Ref: 43/25/0041

Proposal: Change of use of building from Use Class E to Use Class F and Sui Generis to enable food and drink to be sold for consumption off the premises at Units 20 & 21 West Park, Wellington

RESOLVED to recommend that this application be approved.

(d) Case Ref: 43/25/0042/CQ

Proposal: Application for Prior Approval for proposed change of use from agricultural building into 3 No. dwellings (Class C3) and associated building operations at Henley Farm, Harpford Farm Lane, Wellington

RESOLVED to recommend that this application be refused. Councillors re-iterate the points made against a previous application with a similar proposal at this property:

“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.

- Were 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 125 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.

55 TO CONSIDER A RESPONSE TO A VARIATION OF S52/S106 CONDITION

Case Ref: 43/25/0012/VSC

Proposal: Variation to Section 106 agreement on application 48/16/0033 for the modification of planning obligations to amend Schedule 3 (access for Network Rail), Schedule 5 (Highway Works) and Schedule 6 (The Station Square) on land north of Taunton Road, Longforth Farm, Wellington.

Having received an informal briefing on this previously, the application was noted.

56 SOMERSET COUNCIL - PLANNING APPEALS FOR INFORMATION:

(a) Case Ref: 43/25/0004

Proposal: Erection of two storey extensions to the front, side and rear of 9 Brendon Road, Wellington (amended scheme to 43/24/0104)

The appeal was noted.

57 SOMERSET COUNCIL - PLANNING DECISIONS FOR INFORMATION ONLY:

Application Number(s)	Proposal	Address	WTC Recommendation Or Comments	Somerset Council Decision
43/25/0021/T	Notification to fell one birch tree within Wellington Conservation Area to the rear	49 High Street, Wellington	Noted	No Objection
43/25/0016	Erection of extension to car sales building for car showroom with associated external works	Wellington Motor Vehicle Compound, Westpark, Chelston	Approval	Approved
43/25/0028/T	Application to carry out management work to one oak tree included in Taunton Deane Borough (Wellington No.1) Tree Preservation Order 2023	2 Laburnum Road, Wellington	Approval	Approved
43/25/0031/T	Application to carry out management works to one pine tree included in Taunton Deane Borough (Wellington No.2) Tree Preservation Order 1977	6 Halfyard Court, Wellington	Approval	Split Decision

The meeting closed at 6.35 pm

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