



## Appeal Decision

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by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20/08/2025

Appeal reference: CAS-04196-P1K3H5

Site address: The Old Forge, Main Road, Portskewett NP26 5SG

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs. Kimberly Sumner against the decision of Monmouthshire County Council.
- The application DM/2023/01200, dated 29 August 2023, was refused by notice dated 8 January 2025.
- The development proposed is described as 'this application is for planning permission for change of use of the existing log cabin to a mixed use (residential/tourism). Planning approval for the log cabin was obtained 27 April 2022 ref: DM/2022/00062. Have discussed with Olivia Parker and Andrew Jones on 14 August 2023. The log cabin is classed as a Caravan for planning purposes and was purchased from Keops. <https://logcabins.co.uk/products/pipit>.

My original intention was to use the cabin for family and friends, however having received many enquiries from local residents and visitors I would like to be able to offer short term holiday lets. The cabin accommodates two people with ample parking on my existing drive with no impact to local business, traffic movement or local residents.

A holiday let in this vicinity would offer a service to the community for leisure, along with life event accommodation for visiting local families.

The cabin is fully constructed, completed December '22, it is not currently being used for letting. Would look to begin letting, pending this application.'

- A site visit was made on 18 July 2025.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the appeal site address as stated on the appeal form, rather than the original planning application form, since it is more accurate.
3. The Welsh Government published a new Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion (2025) during the processing of the appeal. That document confirms that it should be read in conjunction with Planning Policy Wales (PPW) and the

Welsh National Marine Plan and that it replaces TAN14: Coastal Planning (1998) and the previous TAN15: Development and Flood Risk (2004) (hereafter TAN15 2004). However, the Ministerial Written Statement dated 31 March 2025, which accompanied the publication of the new TAN, confirms that there will be a transitional period for its implementation. Specifically, planning applications that were submitted and registered before the publication of the new TAN, such as that subject to this appeal, shall continue to be assessed against the previous version. I shall consider the appeal accordingly.

## **Main Issues**

4. These are:

- Whether the proposed development is justified in its countryside location having regard to local and national planning policy; and
- The effect of the proposal on the safety of future occupiers, with regard to flood risk.

## **Reasons**

### *Countryside Location*

5. The appeal seeks permission for the change of use of an existing log cabin located in the garden of The Old Forge. The property lies outside, but immediately adjacent to, the settlement boundary of Portskewett as defined in the Monmouthshire Local Development Plan (LDP) and is therefore within the countryside.
6. The cabin was approved under planning application (DM/2022/00062), when the Council accepted that it met the legal definition of a caravan and did not constitute operational development, aside from its concrete plinth. In the current proposals, however, the Council has treated it as a building and applied LDP Policy H4, which relates to the conversion of buildings in the countryside, and, by extension, Policy T2 relating to visitor accommodation which, amongst other things, requires compliance with Policy H4.
7. Without full plans from the DM/2022/00062 application, it is unclear whether the cabin now differs from that previously approved, and the submitted plans with the appeal including the Keops promotional brochure provides limited specific details, such as its ground fixings. Nonetheless, both parties agree it is a building for the purposes of the appeal and during my site visit I observed that it has the appearance of a building. Therefore, I am content the proposal falls within the scope of LDP Policies H4 and T2 and that the relevant criteria of these policies apply.
8. The log cabin appears to be in good structural condition, of modest scale with a simple design finished in timber, and capable of providing adequate holiday accommodation without physical alterations or additional infrastructure. It sits within the established garden of The Old Forge and shares its access. Due to its size and location, I do not consider it well suited to a business use, and this is not a matter raised by the Council. On this basis, the proposal satisfies the majority of the LDP Policy H4 criteria (criteria a), b), c), d), f) and g)).
9. Whilst the cabin may not be constructed in the materials mentioned in the policy, it is nevertheless of modern construction. As such, it fails to accord with criterion e) of LDP Policy H4. The information before me also confirms that it has not been used for its intended purpose for a significant period of time, noting the log cabin application was approved in April 2022, and, therefore, far less than the 10 years referred to in LDP Policy H4. As such, it also fails to qualify as an exception under criterion b) of LDP Policy T2.

10. However, the supporting text to Policy H4 makes it clear that the purpose of the policy is to ensure that the conversion of buildings does not detract from the special qualities of Monmouthshire's open countryside, and that proposals should be sympathetic to the rural setting in terms of the particular location, appropriate design and traffic considerations.
11. The log cabin lies close to the settlement boundary, immediately adjacent to the main road through Portskewett and opposite a hairdressers and convenience shop. It sits within a cluster of residential buildings, including the Old Forge, and whilst land to the south remains predominantly undeveloped countryside, its immediate setting is more characteristic of the settlement edge. I, therefore, do not consider the proposal would detract from the character and appearance of the countryside; rather, it would assimilate with the established built form of Portskewett.
12. Accordingly, whilst the development is technically in conflict with Policy H4 in respect of criterion e), it complies with the main thrust of the policy, which is to prevent development which would unacceptably harm the countryside. It, therefore, follows that the proposal also accords with the aims of Policy T2. This position is reinforced by Planning Policy Wales (Edition 12) (PPW), which recognises that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy and that such development should be sympathetic in nature and scale to the local environment. I, therefore, conclude the proposed development is justified in its countryside location, given its edge of settlement position.

#### *Flood Risk*

13. Although the proposals do not involve changes to the built form, the change of use to tourism accommodation constitutes development and is classified as highly vulnerable development by TAN15 2004.
14. The appellant highlights that the appeal site is at low risk of flooding with no recorded flood events. However, their own Flood Consequences Assessment (FCA\_, prepared by Townsend Water Engineering Ltd. (dated May 2024), together with the Natural Resources Wales (NRW) Development Advice Maps (DAM) associated with TAN15 2004, shows the appeal site to lie within Zone C1, defined as an area of the floodplain, which is developed and served by significant infrastructure, including flood defences. The Welsh Government letter dated 15 December 2021 confirms the Flood Map for Planning (FMfP), though not yet planning policy, is more up to date than the DAM. This shows that the appeal site remains at risk of flooding, located in a Flood Zone 2 and 3 (Sea).
15. TAN 15 2004 seeks to direct development away from areas of flood risk, setting out criteria which must be met in order to justify development within a zone C1. This includes, amongst other things, that the potential consequences of a flooding event are acceptable, in line with the guidance set out in Section 5 and appendix 1 of TAN 15 2004.
16. The submitted FCA confirms the site is at risk of tidal flooding, with predicted depths of 1.18m to 1.64m during a 1 in 200-year event plus climate change. Whilst the FCA suggests actual depths may be lower, no cogent evidence has been proposed to challenge this. Similarly, no robust evidence, such as detailed flood modelling, demonstrates that the railway embankment located to the south functions as an effective defence or what effect it would have on site flood levels. Moreover, the existence of the cabin does not alter the TAN 15 2004 requirement that it remains flood free in such events, and no design measures have been proposed to achieve this. TAN 15 2004 also requires FCAs to consider the implications of extreme flood events, regardless of the building's lifespan, which has not been undertaken.

17. The FCA also fails to confirm the flood risk at the site access. Whilst it states the road to the north of the site does not flood, figure 4 of the FCA shows the site access to be within Zone C1. I, therefore, have reservations about the claims that residents could safely evacuate. The FCA also contained inaccuracies, including reference to the wrong version of TAN 15 (2021) and to the NPPF, which is irrelevant in Wales. On this basis, and reinforced by NRW's concerns (contained in the letter dated 7 June 2024), I am not satisfied the FCA is robust or demonstrates that the flood consequences of the proposal are acceptable. Informal verbal discussions with NRW, which are not substantiated with evidence, do not persuade me otherwise.
18. I acknowledge there is likely to be reasonable forewarning of a flood event, and I note the mitigation measures suggested including signing up to NRW's flood warning scheme, preparing a Flood Risk Plan, providing an evacuation plan and avoiding occupancy during high tide. Whilst these could mitigate some risks, they would not sufficiently minimise risk to life and property.
19. The appellant states the cabin is currently used by family and friends as well as music groups and I note NRW did not object to app DM/2022/00062. However, its use is not directly comparable to the proposal. Family and friends may use the main dwelling as refuge, whereas a tourism use would involve unconnected occupants without access to the main dwelling, and its upper floors. A condition limiting the occupancy of the cabin to 50% of the year would not overcome this fundamental difference, nor is it reasonable or enforceable to require the appellant to always be on site. Accordingly, the risks to future occupiers would be materially greater than under the existing ancillary residential use.
20. The appellant also refers to other local developments, including The Old Forge conversion and the current undecided planning application relating to a nearby site (ref: DM/2024/01188), which I note NRW have commented on. However limited information is provided on the flood risks of each of these schemes or details of the proposed mitigation measures. In the absence of sufficient information, I cannot draw direct comparison and, therefore, have determined the appeal on its own merits.
21. I, therefore, conclude that the proposed development would have a harmful impact on the safety of future occupiers, with regard to flood risk, and would fail to comply with LDP Policy SD3 which does not permit highly vulnerable development in areas which may be liable to flooding as well as being in conflict with the requirements of TAN 15.

### **Other Matters**

22. I have had regard to the occupant's personal circumstances and to the benefits the cabin would provide in terms of tourism accommodation and support for the local economy. However, given the modest scale of the proposal, these benefits do not outweigh the harm I have identified in terms of flood risk.
23. I also note the appellant's concerns in relation to the Council's handling of the application, including the correspondence before and during the application and the time taken to reach a decision. These matters, however, are not relevant to the planning merits of the appeal proposal.

### **Conclusion**

24. I have found that the proposal is justified in its countryside location, due to its edge of settlement position. However, the harm to future occupiers due to flood risk would be significant and is a compelling factor that has led to my decision. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

25. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*L. Hughson-Smith*

INSPECTOR