



Appeal Decision

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 17/07/2026

Appeal reference: CAS-04775-P8X3F1

Site address: 30 Gwellyn Avenue, Kinmel Bay LL18 5HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C Holden against the decision of Conwy County Borough Council.
 - The application Ref 0/52830, dated 31 August 2025, was refused by notice dated 30 October 2025.
 - The application sought planning permission for use of land as a touring caravan site to accommodate 5 caravans without complying with a condition attached to planning permission Ref 0/40995, dated 21 November 2014.
 - The condition in dispute is No 4 which states that: *The static caravans shall not be occupied between 31st October in any one year and 1st March in the succeeding year.*
 - The reason given for the condition is: *To ensure the flood risk associated with the application site is adequately managed and to comply with Policies DP/1, DP/3 and DP/6 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales 7th Edition July 2014 and TAN 15: Development and Flood Risk (2004).*
 - A site visit was made on 8 July 2026.
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Decision

1. The appeal is dismissed.

Background and Procedural Matter

2. The appeal site has a lengthy planning history, with the original permission having been granted in 1995 for a touring caravan site to accommodate 5 caravans. The Council has since approved further applications in relation to amendments to conditions, including ref 0/40995 which varied a condition to allow for the siting of 23 static caravans in place of the touring caravan park. I have adopted the original description of development in the banner heading above but, given the significant differences since approved, I have determined the appeal on the basis of the development granted under permission ref 0/40995.

Main Issue

3. The main issue is the effect that varying the condition would have with regard to flood risk.

Reasons

4. The appeal site is a rectangular plot containing two rows of static caravans, a central access road and single-storey reception building, and located within an area of mixed residential and commercial uses. The appeal proposal seeks to vary the wording of the disputed condition to restrict occupancy of the static caravans to between 4th January and 1st March in any one year, thereby extending the period of occupancy currently allowed.
5. The site falls within Flood Zone 2 (Rivers) and Flood Zone 3 (Sea) of the Flood Map for Planning. Welsh Government's Technical Advice Note 15 'Development, Flooding and Coastal Erosion' (TAN 15) categorises caravan parks as 'highly vulnerable development' and, at paragraph 15.9, states that extensions to the seasonal occupancy of existing caravan sites must not be permitted in Flood Zone 3 (Rivers and Sea). The proposal would therefore be clearly contrary to TAN 15 in this regard. This position is also reflected in the Council's Supplementary Planning Guidance (SPG) LDP27 'Coastal Flood Risk Protocol', with section 6.1d stating that extending the holiday season on sites that are highly vulnerable to flood risk will be resisted.
6. Aside from this fundamental policy conflict, the appellant's Flood Consequences Assessment demonstrates that, in the event of nearby defences being breached, flooding of the site would be of substantial depth, and significantly exceed the tolerable conditions criteria set out in TAN 15. Whilst the appeal proposal would not increase the number of caravans or occupants, and flooding events may occur at other times of the year, it would nevertheless extend the period of time that occupants are present on the site and exposed to the risk of flooding. Given the potential severity of a flooding event at the site, the result would therefore be an increased danger to life and property when compared to the current situation.
7. Although improvements to existing flood defences are underway, there is little before me to substantiate claims that this will provide an appropriate standard of protection and for the lifetime of the caravan site. Natural Resources Wales has confirmed its flood warning service would not be effective in a breach scenario, meaning this measure cannot be relied upon to mitigate the additional risk. The creation and adherence to flood plans by occupants, given the lack of timely warning, would also not overcome the risk. I therefore do not consider the use of a planning condition to require occupants to make use of these measures to be an appropriate solution in this instance.
8. With regard to the other examples of caravan sites referred to by the appellant, these predate the existing planning policy framework and are therefore not comparable to the circumstances of this appeal. In any event, I do not consider that the existence of potential harm in other locations is an appropriate reason to allow further harm. I therefore give this consideration little weight.
9. Drawing together all of the above, the proposed amendment of the condition would cause harm to life and property from flood risk, and would fail to comply with Policies DP1/, DP/4 and DP/6 of the Conwy Local Development Plan 2007-2022, as well as SPG LDP27, which require proposals to address the risk of flooding, prevent proposals where there would be an unacceptable adverse impact regarding flood risk, and require compliance with national planning policy and guidance. The amendment would fail to comply with TAN 15 and the general principle of Planning Policy Wales to avoid development in areas of flooding.

10. I therefore find that condition no. 4 is necessary to ensure the acceptability of the development, and meets the tests of relevance, reasonableness, precision, and enforceability as set in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'.

Other Matters

11. I note there may be local economic and job benefits as a result of the proposal, through meeting the demand for an extended tourism season and maintaining the viability of the caravan park business. However, the harm that would arise due to flooding is an overriding consideration that outweighs the relatively minor benefits of the proposal.
12. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR