



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/06/2026

Appeal reference: CAS-04768-F7Q0D3

Site address: 46 Corporation Road, Newport NP19 0AW

- 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 Mr. Matthew Layton, Layton Property Limited, against the decision of Newport City Council.
 - The application Ref 25/0611, dated 11 August 2025, was refused by notice dated 2 October 2025.
 - The proposed development is the change of use from 4-bedroom dwelling (C3) to 8-bedroom house in multiple occupation (sui generis).
 - A site visit was made on 1 April 2026.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted an amended plan with the appeal, entitled 'proposed-floorplan-refuge-8bed', which shows a flood refuge area on the second floor. As the appeal process cannot be used to evolve a scheme, I have determined the appeal based on the proposal and plans considered by the Council. Both parties have had the opportunity to make representations following the Officer's Report and Council's Decision Notice being issued, therefore, I am content that neither is prejudiced by this approach.

Main Issues

3. These are:
 - a. whether the proposed change of use would conflict with local and national policies designed to maintain sustainable and balanced communities and protect the amenity and character of the area; and
 - b. the effect of the proposal on the safety and living conditions of future occupiers, with regard to flood risk.

Reasons

Sustainable and balanced communities

4. The appeal property is a two-storey end terrace house located along Corporation Road in Newport. Corporation Road is a busy route leading towards Newport City Centre. Whilst the appeal property is located within a terrace of residential properties, the immediate surroundings have an edge of city, mixed-use character, with commercial units and Rodney Parade Sports Ground to the rear and nearby commercial uses concentrated around the Corporation Road, Clarence Place and Caerleon Road junction, all within visual range of the appeal site. As such, and as I observed during my site visit, this part of Corporation Road is characterised by regular activity associated with commercial and residential uses, including continuous vehicle movements and pedestrian activity.
5. Newport City Council's Local Development Plan (LDP) Policy H8 states that proposals to subdivide a property into a House in Multiple Occupation (HMO) will only be permitted if, amongst other things, it does not create an over concentration of HMOs in any one area and the scale and intensity of use does not harm the character of the locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers. This aligns with LDP Policy GP2 that states that development will be permitted where, amongst other things, the proposed use will not be detrimental to the character of the area and there will not be a significant adverse effect on local amenity.
6. The Council's adopted Houses in Multiple Occupation Supplementary Planning Guidance (HMO SPG) recognises that HMOs can make a valuable contribution to Newport's housing stock and can provide accommodation for a wide range of groups, but also that in clusters they can detract from the character of an area, leading to problems such as, amongst other things, a high proportion of transient residents leading to less community cohesion and altering the character of the area.
7. The HMO SPG sets out a threshold-based approach relating to the proportion of HMO units within a defined area, which is intended to identify circumstances where concentrations may begin to affect the character of a neighbourhood. In this case, the relevant threshold is 15%.
8. It is not disputed that, including the appeal property, HMOs would make up approximately 12% of the residential properties within the 50m radius. Whilst the local councillor has referred to potentially unregistered HMOs in the area, no substantive evidence has been provided which demonstrates that the Council's figures are inaccurate. On this basis, the proposal would not result in an exceedance of the relevant threshold.
9. The Council contends that, despite compliance with the HMO SPG threshold, the size and occupancy levels of HMOs nearby, including two just outside the 50m radius, together with the intensification of the appeal property, would result in a disproportionately high transient population and harm the area's character, residential amenity and social cohesion. I acknowledge the SPG is guidance only and the threshold should not be applied prescriptively, however, the presence of other large HMOs nearby alone does not demonstrate unacceptable harm. Each case must be assessed on its individual merits, having regard to its specific context.
10. During my site visit I saw some run-down buildings, but I did not consider this to be unusual for an edge of city location of this nature. I did not observe significant or widespread evidence of decline, poor property management, or other physical indicators of a high transient population having an unacceptable cumulative impact. Whilst I

observed bins stored to the front of some properties, this is typical of terraced housing or properties with front yards or gardens, as is the case for most properties in this part of Corporation Road and is not, in itself, harmful. I saw no significant issues of poor waste management or fly tipping, and no objection has been raised by the Council's Waste Department.

11. The introduction of a more intensive use than the property's existing use as a single dwelling would likely result in some increased noise and disturbance, associated with the higher number of occupants, their comings and goings, including any visitors. I also acknowledge that the proposed HMO would be immediately adjacent to the residential properties in the terrace. However, given the mixed uses nearby and busy edge-of-city character of Corporation Road, and the fact that any additional noise would be residential in nature, I find it unlikely that the increased activity associated with the proposal would be so materially different, or even perceptible, in this context to cause unacceptable harm to neighbours.
12. I note the concerns raised by residents, the local councillor and the petition, including in relation to issues of anti-social behaviour in the area. The Council also refer to complaints received by the Environmental Health Department. However, no substantive evidence of the nature of the complaints, the specific property to which they related, whether properties were HMOs, or whether the complaints were substantiated has been provided. As such, I cannot be certain of the extent of such issues, whether they are associated with existing HMOs in the area or whether the proposal is likely to exacerbate them.
13. The Council also cite appeal decision, ref: APP/D1780/C/11/2156569, however, whilst the proposal is similar it is located in England, which is subject to a different planning policy regime to Wales. In addition, the effects of a development on the amenity and character of an area are dependent on its specific context and it would be rare for any two cases to be exactly the same. Accordingly, I have determined the appeal on its own merits.
14. Taking the above matters together, the evidence before me does not demonstrate that the existing pattern of HMO occupation, or any associated transient population, is causing unacceptable harm to the character of the area, social cohesion or residential amenity. Nor am I persuaded that the appeal proposal would materially alter existing conditions, either cumulatively or individually, to give rise to unacceptable harm. I, therefore, conclude that the proposal will maintain a sustainable and balanced community and protect the amenity and character of the area in accordance with LDP Policies H8 and GP2 and the aims of the HMO SPG.

Flood Risk

15. The appeal property is located entirely within a Zone 3 (Rivers and Sea), and within a defended zone for sea flooding, as defined on the Flood Map for Planning (FMfP). LDP Policy SP3 states that due to Newport's coastal and riverside location it is necessary that development be directed away from areas where flood risk is identified as a constraint, and that development will only be permitted in flood risk areas in accordance with national guidance. This aligns with Future Wales (FW) Policy 8 which relates to flooding, and the supporting text confirms the Welsh Government's robust planning policy approach that directs development away from areas at risk of flooding. This is supported by Planning Policy Wales (PPW), which says that planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

16. Technical Advice Note (TAN) 15 provides national technical guidance on flood risk. TAN 15 categorises development according to its vulnerability to flooding. Residential development, including HMOs, falls within the category of Highly Vulnerable Development.
17. The appellant has submitted a Flood Consequences Assessment (FCA). This identifies the appeal site as being within a defended zone for sea flooding and appears to treat the Flood Zone 3 as tidal in nature. However, paragraph 5.1 of the FCA also states that during fluvial and pluvial events the site may become severed by flooding, indicating potential flood risk implications which are not limited to tidal flooding within a defended zone.
18. The Welsh Government's Technical Advice Note 15: Development, Flooding and Coastal Erosion – Frequently Asked Questions (March 2026) makes it clear that where a source of flooding has not been identified within a defended zone, the requirements for that zone should still apply. In this regard, the FCA does not demonstrate that the proposal is consistent with the TAN 15 requirements for highly vulnerable development for Flood Zone 3, particularly in relation to fluvial flood risk.
19. In any event, in relation to Defended Zones, TAN 15 states that redevelopment proposals should not over-intensify use, and that any proposal involving highly vulnerable development must be compliant with the conditions set out in Section 11 of the TAN. This requires, amongst other matters, acceptable consequences of flooding are demonstrated (with reference to the tolerable conditions set out in that section) and that escape routes are present.
20. I have concerns regarding the submitted FCA. For example, it provides limited information on key matters such as whether climate change was properly accounted for, flood levels in an extreme flood event, flood velocity and duration. As such, I am not satisfied the consequences of flooding have been comprehensively or robustly assessed.
21. I am aware that TAN 15 allows greater flexibility in applying the tolerable conditions to changes of use where the ability to substantially redesign is limited and should be seen as a guide only. However, that flexibility does not remove the need for sufficient information to allow the flood risk and associated consequences to be properly assessed. In this case, the evidence is insufficient to demonstrate that those consequences would be acceptable, particularly where the proposal would increase the number of occupants exposed to flood risk at ground floor level.
22. Notwithstanding this, the appellant relies on the provision of flood refuge areas within the upper floors of the appeal property to mitigate for the flood risk to ground floor occupants. Although not included as part of the original proposal, and for completeness, information submitted with the appeal suggests that it would be possible to provide flood refuge for ground floor occupants on the landing area of upper floors and within a dedicated room on the second floor, by reducing the size of bedroom 8, to allow the occupants of the two ground floor bedrooms to retreat to during a flood event.
23. However, the landing area on both the first and second floor is limited and needed to maintain circulation space. Therefore, the suggested flood refuge room would be the only practical option in a flood event and would have to be shared by both ground floor occupiers. Whilst its shared use would be acceptable, given the temporary nature of a flood event, the indicated refuge room is restricted in size, at just 4.41m², has narrow proportions and would be in the roof space. No information is submitted which demonstrates the available head height. It is, therefore, not possible to determine whether the space would be functional or fit for purpose. Furthermore, it does not

contain bathroom facilities, and there are no communal bathroom facilities available on the first or second floor. The absence of access to such facilities further persuades me that the space would be inadequate. Overall, I am not satisfied that the evidence submitted demonstrates a suitable flood refuge space to accommodate both ground floor occupants safely, with their essential belongings, for the likely duration of a flood event.

24. Given my findings above, it follows that the Flood Evacuation Plan, which relies on the flood refuge room as the primary means of protection from floodwaters for ground floor occupants, is inadequate, regardless of whether occupants are signed up for Natural Resources Wales flood warnings. Nor do the other mitigation measures identified, including raising electrical fittings, horizontally fitting plasterboards and installing non-return valves to pipework address the fundamental concern regarding the ability for future occupiers to remain safe in the event of flooding or protect their belongings.
25. The appellant has also cited two other similar approved developments with flood refuge rooms, which includes one allowed at appeal at 7 Pugsley Street (ref: APP/G6935/A/19/3233724). However, these examples vary to the scheme before me, since both examples, including the appeal case, have fewer ground floor occupants and, therefore, are not directly comparable to the case before me. Accordingly, I have determined the proposal on its own merits.
26. I have had regard to the existing residential use of the appeal property, which is also highly vulnerable development for the purposes of TAN 15, which could have bedrooms on the ground floor. However, unlike occupants of a HMO, single household occupants would typically have access to the entire upper floors for refuge during a flood event, reducing the risk to them and their belongings. By contrast, the proposal would introduce additional occupants at ground floor level without satisfactory refuge or flood escape provision. In my view, this would materially increase the number of occupants exposed to flood risk at ground floor level and represents an over-intensification of the building's use from a flood risk perspective.
27. Based on the evidence before me, I am not satisfied that the proposal has demonstrated the consequences of flooding would be acceptable, or that mitigation measures could be incorporated which appropriately minimise the life and damage to property. I, therefore, conclude that the proposal would cause harm to the safety and living conditions of future occupiers, with regard to flood risk, and would fail to comply with LDP Policy SP3 and the requirements of TAN 15.

Conclusion

28. I have found that the proposal would maintain a sustainable and balanced community and protect the amenity and character of the area, however, the harm in relation to flood risk is significant and a compelling factor that has led to my decision. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
29. 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