



Appeal Decision

Site visit made on 19 May 2025

by Colin Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/D0840/W/24/3353741

Sunny Nook, Stickenbridge, Perranarworthal, Truro, Cornwall TR3 7QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Mr & Mrs A Railton against the decision of Cornwall Council.
- The application Ref is PA24/03756.
- The development proposed is erection of one dwelling.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs A Railton against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. This is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Flood risk

6. In areas at risk of flooding, Paragraph 174 of the Framework¹ advises that a *sequential test* should be carried out in order to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

¹ National Planning Policy Framework, December 2024

7. Paragraph 175 of the Framework goes on to explain that the sequential test should be used in areas known to be at risk from flooding, *except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.*
8. In this case, there is no site-specific flood risk assessment available. My decision is therefore based on the Strategic Flood Risk Assessment mapping, which gives a relatively crude picture of flood risk on the site. This indicates that some parts of the site are within Flood Zone 1 (with a low probability of flooding) while other parts are within Flood Zone 3 (with a high probability of flooding).
9. Based on the maps provided, there would appear to be enough physical space to accommodate a dwelling on the part of the site within Flood Zone 1. However, I am not convinced that access could be provided without utilising parts of the site within Flood Zone 3. The southern portion of the site is entirely within Flood Zone 3 and it would not be possible to provide direct access onto the A39 without passing through here. Providing access onto the lane to the west would also require crossing land at high risk of flooding. Although the track to the immediate north of the site is within Flood Zone 1, the topography and tree cover present significant obstacles. Without further evidence, it is not clear that this would represent a realistic way of providing access.
10. Therefore, according to the Framework, a sequential test is required in this case. As no sequential test has been provided, I am unable to conclude that the proposed development would be in accordance with the provisions of either the Framework or Policy 26 of the Local Plan², which also seeks to minimise flood risk. The PPG³ indicates that even where a site-specific flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
11. I recognise that the proposal is for Permission in Principle and so full details of the scheme do not need to be provided at this stage. However, the issue of flood risk is fundamental to establishing whether or not this is a suitable location for residential development. As such, the evidence needs to demonstrate broad compliance with local and national policy on this matter. For the reasons above, I do not consider that compliance has been demonstrated.
12. While I am aware that the Council recently approved a dwelling elsewhere in Stickenbridge⁴, this does not appear to be situated in an area that is prone to flooding. Hence, the circumstances of that case are somewhat different.

Housing strategy

13. Policy 1 of the Neighbourhood Plan⁵ only supports new housing within the development boundaries defined in the plan. As the appeal site is outside these boundaries, the proposal is not supported by this policy. However, the development plan should be read as a whole and also includes the policies of the Local Plan. Of particular relevance is Policy 3 which enables *the rounding off of settlements and*

² Cornwall Local Plan Strategic Policies 2010-2030

³ Planning Practice Guidance, Flood Risk and Coastal Change, Paragraph: 023 Reference ID: 7-023-20220825

⁴ Council Ref: PA24/01981

⁵ Perranarworthal Neighbourhood Plan 2021-2030

development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role.

14. The appeal site is within the garden of Sunny Nook, which is on the edge of a small cluster of development known as Stickenbridge. While the pattern of development here is relatively dispersed, it seems to me that Stickenbridge can be described as a settlement in the context of Policy 3. It forms a distinct grouping of housing and has a built form that can be visually distinguished from the more open areas of countryside which surround it. This is not just a *low-density straggle of dwellings* as described in paragraph 1.68 of the Local Plan. The information in the Neighbourhood Plan indicates there are larger settlements in the vicinity and some basic services, such as primary school.
15. Paragraph 1.68 of the Local Plan describes rounding off as *development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road)*. In this case, there is a lane to the north of the site and the main A39 road to the south. To the west is Sunny Nook and to the east is a small building used for retail. It therefore seems to me that the site is reasonably well enclosed according to the Local Plan definition.
16. The plan also says that rounding off *should not visually extend building into the open countryside*. The effect of the proposal on the character and appearance of the area is covered separately below. However, it seems to me that it would be possible to screen the proposed dwelling from most public viewpoints. There is existing vegetation along the boundary with the A39 and it is not easy to look into the site from here. The site already assumes a domestic character and so the proposal would not visually extend into the countryside.
17. This leads me to determine that the proposal would be rounding off in the context of the Local Plan and so would comply with Policy 3. While the Council has referred to the Chief Planning Officer's Advice Note⁶, which provides alternative definitions of what constitutes a 'settlement' and 'rounding off', I am not aware that it has been subject to public scrutiny or consultation. I therefore give this document very limited weight and it does not alter my decision on this matter.

Character and appearance

18. The dwellings which comprise Stickenbridge are not easily seen from the surrounding countryside due to the prevalence of trees and vegetation, which follow the slope of land upwards from the A39. This gives the area a pleasant, wooded appearance which contributes to the rural characteristics of the countryside in this location. In recognition of these qualities, the site and surroundings are designated as an Area of Great Landscape Value (AGLV).
19. I am mindful that the proposal is for Permission in Principle and so there are no details regarding the potential design of the dwelling or how it would be accessed. Hence, while it may be possible to make some broad assumptions, it is not possible to fully assess the visual impact of the scheme at this stage.
20. While the proposal would increase the quantity of building over undeveloped space, the site is relatively large. It therefore seems to me that opportunities would exist to

⁶ Chief Planning Officer's Advice Note: Infilling and Rounding Off (Cornwall Council, December 2017).

screen the new dwelling from public vantage points and maintain protected trees. In places where the dwelling would be visible, it would be seen in the context of Sunny Nook and the existing retail unit to the east.

21. This leads me to find that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies 12 and 23 of the Local Plan or Policies 2, 9 and 12 of the Neighbourhood Plan. These mainly concern design and the protection of landscape character.

Conclusion on main issue

22. For the above reasons, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development.
23. Although the proposal would be acceptable in terms of both the housing strategy and its effect on the character and appearance of the area, it would not comply with policies which seek to protect development from flood risk. I give this harm substantial weight. The small increase in local housing supply carries moderate weight but does not outweigh the harm I have identified. As such, the proposal would conflict with the development plan as a whole.

Final Balance and Overall Conclusion

24. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11(d) of the Framework says that in such circumstances, the relevant development plan policies should be considered out of date. Policy 26 of the Local Plan, which concerns flood risk, has the effect of restricting locations where housing may be developed. Accordingly, this policy may be considered out of date in the context of paragraph 11(d).
25. When policies are out of date, paragraph 11(d)(i) indicates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason refusing the development proposed. This includes areas at risk of flooding.
26. I have already established that the proposal would not adequately address flood risk and that the benefits of the development would not clearly outweigh this harm. Consequently, there are strong reasons for dismissing the appeal. Overall, the proposal does not represent sustainable development for which the Framework says there is a presumption in favour of.
27. I therefore conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR