
Appeal Decision

Site visit made on 8 October 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/D0840/W/24/3355068

Land North of The Old Dairy, A30, Between Rospeath Lane And Newton Roundabout, Crowlas TR20 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Sincok against the decision of Cornwall Council.
 - The application Ref is PA24/02087.
 - The development proposed is demolition and replacement of stable building.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal represents an acceptable form of development having regard to flood risk.

Reasons

3. Based on the mapping provided by the Environment Agency ('EA') the appeal site is within Flood Zone 3 and 3b, the latter being classified as 'functional floodplain'. On the other hand, the appellants Flood Risk Assessment ('FRA') with reference to the EA Flood Map for Planning advises that the site is located in Flood Zone 3. Irrespective of whether or not the appeal site is also in Flood Zone 3b, it is still located in an area with a higher risk from flooding.
4. The National Planning Policy Framework ('the Framework') sets tests to protect people and property from all sources of flooding. In this regard paragraph 170 of the Framework says: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
5. The Framework goes on to say that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. This is known as using the sequential approach ('sequential test'). The aim is to direct new development to sites with the lowest flood risk. Development should not proceed if suitable alternative sites exist in areas of lower risk.
6. In addition, the Planning Practice Guidance has been recently amended and says that: The sequential test should be applied to 'Major' and 'Non-major' development

proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test. In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping) without increasing flood risk elsewhere, then the sequential test need not be applied.

7. The submitted FRA confirms that the appeal site is at high risk of flooding associated with the nearby Ludgvan Stream. The flood model indicates that when considering the 1 in 100-year flood event with a 52% allowance for climate change, the proposed development will be subject to depths ranging from 0.57m to 0.58m.
8. Based on the submissions before me, there is also a high risk of surface water flood depth for the site. This indicates depths can range from below 300mm just adjacent to the A30 to 300 to 900mm on the edge of the site boundary with the Old Dairy.
9. In summary, the FRA recommends the following measures to mitigate flood risk: construction should account for the design flood event, climate change allowance, and an additional 600mm freeboard, using flood-resistant materials wherever possible. Electrical circuitry and equipment should be installed above 21.03m AOD or be designed to withstand flood conditions. Additionally, lime-based mortar is advised in place of concrete-based alternatives. A flood warning and evacuation plan should also be prepared for the premises if one is not already in place. The FRA confirms that any mitigation measures in relation to fluvial flooding will also apply to the associated surface water flooding risk.
10. However, the proposed access and egress route has been modelled to be subject to anticipated flood depths of 0.37m with a maximum velocity of 0.31m/s, which is considered a 'Danger to Most'. As such, a safe point of access and egress has not been provided. Therefore, I am unpersuaded occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development.
11. Nevertheless, even if I were to accept that the FRA demonstrates the proposed development can be made safe throughout its lifetime without increasing surface water flood risk elsewhere, fluvial flooding remains a concern. As such, and regardless of the vulnerability classification of the proposed use, the sequential test must still be satisfied.
12. In this regard, I have not been provided with any evidence to demonstrate that the sequential test has taken place and that there are no suitable alternative sites with a lower risk of flooding for this proposed development. The proposal has not therefore passed the sequential test and consequently the mitigation measures proposed by the appellant are not determinative.
13. In view of all the above, I conclude that the appeal site is at risk of flooding and there is insufficient information before me, by way of a sequential test, to conclude that there are no reasonably available sites for the development in areas with a lower risk of flooding. The required sequential test has therefore not been satisfied

and the proposal has failed to demonstrate that the site is appropriate having regard to flood risk.

14. Consequently, the proposal fails to accord with Policy C1 of the Climate Emergency Development Plan Document and Policy 26 of the Cornwall Local Plan (2010-2030). Amongst other things, these policies seek to minimise, reduce or, where possible eliminate flood risk on site. Accordingly, the proposal also conflicts with the aims of the Framework with regard to managing flood risk.

Other considerations

15. The appellant advises that the proposal will replace an existing inadequate building at the appeal site for a more fit for purposes stables, with feed store and storage space for agricultural machinery, adjacent to the site access. Further adding that the new building provides considerable benefits over the existing in terms of its usability and functionality. Even so, any benefits arising from this do not outweigh the harm I have identified in respect of flood risk and conflict with the development plan.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR