

The Planning Inspectorate
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Temple Way
Bristol
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Date: 21 September 2026
Our ref: 41529/09/BOC/AKn/41613405v1

Dear

Costs Application pursuant to Appeal ref. 6007472 at Chapel Lane, Widnes (LPA: Knowsley Council)

On behalf of the Appellant ("Taylor Wimpey UK Limited"), Lichfields has been instructed to submit an application for an award of appeal costs against Knowsley Borough Council ("the Council") in respect of an Appeal lodged against the decision of the Council to refuse planning permission for a primary and emergency access to a residential development for up to 350 homes at Chapel Lane, Widnes ('the Site'). The appeal reference is 6007472.

This covering letter is to be read in conjunction with the enclosed Planning Inspectorate Costs Application Form (**Annex 1**) and supporting evidence to assist this costs application. Where relevant reference is made to the 'Core Documents' submitted on behalf of the Appellant as part of the appeal submission. This letter provides detail of Part E of the form 'your costs application'.

Planning Practice Guidance

As set out in the Planning Practice Guidance [PPG], parties in appeals are normally expected to meet their own expenses. However, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded where, a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur necessary or wasted expense in the appeal process¹.

The PPG requires an application for costs to clearly demonstrate how an alleged unreasonable behaviour has resulted in unnecessary or wasted expense.

The PPG defines unreasonable in the context of an application for an award of costs as²:

¹ Paragraph: 028 Reference ID: 16-028-20140306

² Paragraph: 030 Reference ID: 16-030-20140306

- *“Procedural – relating to the process; or*
- *Substantive – relating to the issues arising from the merits of the appeal.”*

The Appellant contends that the Council has acted unreasonably in both a procedural and substantive manner during the application and appeal process on several grounds, which has resulted in unnecessary or wasted expense through the preparation and submission of the Appeal. Where relevant, this letter refers to examples of types of behaviour that the PPG notes could give rise to a procedural or substantive award against a local planning authority. These grounds are set out in more detail below.

‘Part (E): Your costs application’

Further to part E of the form, the Appellant considers there are grounds for a full award of costs based on the following unreasonable behaviour (both procedural and substantive):

Unsubstantiated reason for refusal

The PPG states that LPAs are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. One of the aims of the costs regime is to encourage LPAs to properly exercise their development management responsibilities and to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay³. For the reasons provided below, the reason for refusal does not stand up to scrutiny on the planning merits of the case and has resulted in avoidable delay to the proposals.

Two examples of behaviour that may give rise to a substantive award against an LPA provided in the PPG are⁴:

“Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.”

“Vague, generalised or inaccurate assertions about a proposal’s impacts, which are unsupported by any objective analysis.”

The Planning Officer concluded at paragraph 9.40 of their Committee Report [CD 2] that:

“Subject to the implementation of a traffic calming scheme the proposed development would not have an unacceptable result in cumulative effects which would have a severe impact on the road network. The proposed development would not have an unacceptable impact on highway safety or the development is considered acceptable in highway and transport terms, it would not have a severe impact on the operation of the network and would not result in unacceptable highway safety impacts. The proposal would comply with Policies CS7, CS19, T7, T10 and H7 of the Local Plan Core Strategy and the relevant sections of the NPPF.”

³ Paragraph: 028 Reference ID: 16-028-20140306

⁴ Paragraph: 049 Reference ID: 16-049-20140306

During the determination of the application, all highway related matters were satisfactorily resolved through dialogue and discussion with the relevant highway officers (Knowsley and Halton) and there were no objections from the Council as local highway authority or from Knowsley's planning officers, Active Travel England or National Highways (Para 6.17 CD-S 6). With regard to Highway Safety, Highways Officers at Halton concluded in their final response on application ref. 23/00244/OUT that *'the development is considered a sustainable location, with safe and suitable access achieved for all users; presenting no detrimental residual cumulative impact on the road network, nor unacceptable safety impacts with mitigation offered, therefore Highways offers no objection, subject to conditions and S106.'* [CD-S 11].

Knowsley's Officer's Report [CD 2] states that *"on 1 September 2025 Halton's Planning Committee resolved to grant planning permission for the substantive element of the residential development subject to conditions and a S106 agreement"*, the Officer goes on to conclude that the approval of application ref. 23/00244/OUT *"is a material consideration which carries significant weight"*.

It is therefore clear from the Council and Highway Officer's at Knowsley Council and Halton Borough Council that the development should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations.

Contrary to the technical advice received from the Council's own highway experts, in the Council's reason for refusal [RfR], the Council contend that *"The proposed development would have an unacceptable impact on highway safety contrary to Policies CS2, CS7 and CS19 in the Core Strategy and the National Planning Policy Framework."* The alleged safety impacts are entirely unsupported by technical analysis or expert highway opinion.

As set out in the Appellant's Statement of Case and Additional Hearing Statement submitted with the appeal (CD-S 1 and CD-S 2), the primary and emergency access have been shown to accord with the relevant provisions of Knowsley's Development Plan and will not give rise to any unacceptable impacts on highway safety. The access design was accompanied by a Stage 1 Road Safety Audit (dated October 2024) (CD-S 8) which was carried out as part of the planning application prior to the application being reported to Planning Committee. The Appeal proposals have also been demonstrated to accord with the provisions in the NPPF, and there are no material considerations that justify refusal.

While members are entitled to disagree with their officers, it is incumbent on them to substantiate their reasons for refusal and ensure that their reasons for refusal can stand up to scrutiny on planning grounds. Where the allegation relates to highway safety impacts, this calls for highways evidence to substantiate that allegation, which is wholly absent in the case of this appeal as the Council has not been able to offer any technical highways evidence to substantiate their RfR. The Members' unreasonable and unsubstantiated refusal of planning permission has caused significant delay to the proposed development progressing.

A further relevant example of unreasonable behaviour cited in the PPG⁵ is as follows:

"Refusing planning permission on a planning ground capable of being dealt with by conditions...where it is concluded that suitable conditions would enable the proposed development to go ahead."

⁵ Paragraph: 049 Reference ID: 16-049-20140306

The Council's reason for refusal is based on vague, unsubstantiated and inaccurate assertions about the impact of the development on highway safety. Any concerns about traffic speeds along Chapel Lane held can be suitably controlled through an appropriate condition or a financial obligation to secure delivery of a traffic calming scheme along Chapel Lane, should planning permission be granted.

As stated in the Officer's Report [CD 2], *'the Highways team believe that a comprehensive Traffic Calming Scheme would ensure that vehicle speeds are reduced to 30 mph, should members be minded to grant permission this can be secured via planning condition.'* The case was therefore clearly made at the time that a traffic calming scheme can be secured via planning condition which would alleviate any concerns with regard to Highway safety.

The Council's Statement of Case suggests that there was 'insufficient evidence' to demonstrate that a traffic calming scheme would be an effective means of mitigating the harm to highway safety. The Council's SoC goes on to state that this is because *'the preparation of a traffic calming scheme set before the Committee was indicative in nature and had not progressed to detailed design stage.'* Without this assurance the Council consider that *'members were considering an application where the mitigation was unknown and unproven and concluded that the development would have an unacceptable impact on highway safety'*.

The Council's Statement of Case therefore suggests that a detailed traffic calming scheme should have been drawn up prior to any decision to grant permission. That is contrary to the position adopted by planning and highway officers at the time of determination. It was made clear in the Officer's report that the Council's highway safety concerns could be alleviated by a condition securing the approval of a traffic calming scheme. Should a detailed traffic calming scheme been considered necessary at the time of determination, the Council should have requested this from the Appellant at the time.

As a consequence of the Council's actions above, the Appellant has been forced to submit an appeal against the refusal of an application which both planning and highway authorities considered to accord with relevant transport policies in the development plan and NPPF. As a result, the Appellant has had to incur unnecessary expenses to prepare and submit the appeal.

Procedural Delays

LPAs are required to behave reasonably in relation to procedural matters at the appeal, for example by complying with the requirements and deadlines of the process⁶.

An example in the PPG of unreasonable behaviour that may give rise to a procedural award includes:

"delay in providing information or other failure to adhere to deadlines"

The Council has adopted an inconsistent approach to its consideration of a traffic calming scheme along Chapel Lane. As stated at paragraph 3.3.8 of the Council's SoC, the Council now raises concerns with the indicative nature of the traffic calming scheme in circumstances where no such concern was raised by planning or highway officers prior to the decision.

⁶ Paragraph: 047 Reference ID: 16-047-20140306

During the determination of the application, the Council did not request any further details for the traffic calming scheme to be worked up to a detailed design stage and agreed given that this could be addressed through a suitable condition, with final details resolved post determination. The Council were clear at a meeting that took place on Friday 29th September 2023 (minutes circulated via email to Officers on the 11th October 2023, **Annex 2**) that a traffic calming scheme should be indicatively drawn up which would not be formally consulted on before the end of the planning determination period. The advice from officers was that any formal consultation would be led by Knowsley Council and would take place post determination. Given the need for consultation outside the determination of the application pertaining to the traffic calming scheme, the Council was clear that it did not want to see a specific scheme included within the application, and instead preferred to see a suggested scheme or potential options.

Should the Council have considered a detailed traffic calming scheme necessary prior to determination, the Council should have requested this information from the Appellant during the determination of the application. Nevertheless, this would be an unusual approach given the detailed design would typically be consulted and technically approved with the LHA as part of entering the s278 agreement post determination.

“not agreeing a statement of common ground in a timely manner or not agreeing factual matters common to witnesses of both principal parties”

As set out in email correspondence shared with PINS on the 5th August 2026, agreement of the Highways Statement of Common Ground between Knowsley Council and the Appellant was not undertaken in a timely manner, in spite of the Appellant’s repeated efforts.

A sequence of events is set out below:

- 1 Lichfields, on behalf of the Appellant, issued the proposed draft Highways Statement of Common Ground for Knowsley’s review and consideration via email on the 30th March 2026 in advance of the submission of its appeal on the 31st March 2026.
- 2 Lichfields contacted the Council via email on the 7th April, 17th April, 27th April and 30th April 2026 to arrange a meeting to discuss the Highways SoCG in preparation for the Appeal. On the 30th April 2026, the Council confirmed via email that they were chasing Highways for their comments and would then arrange a meeting.
- 3 Lichfields contacted the Council again on the 18th May and 28th May (**Annex 3**) to seek to make progress on the SoCG.
- 4 The Appeal started on the 1st June 2026, when PINS notified the Appellant and Council that the Statement of Common Ground(s) was due 6th July 2026.
- 5 Lichfields contacted the Council on the 2nd June 2026 again to ask if they had any comments on the draft SoCG and to enquire about availability for a meeting on the SoCG. Knowsley Council confirmed that day that they were aiming to send comments the following week (w/c 8th June).
- 6 Lichfields contacted the Council on the 15th June 2026 to ask for comments and availability to discuss the SoCG. The Council asked for the Appellant’s availability for a meeting on the 16th June 2026 (**Annex 4**).

- 7 A virtual meeting took place on the 24th June to discuss the Statement of Common Ground(s) with Knowsley Council. No written comments had been received at that point from the Council despite the original draft SoCG being issued on the 30th March 2026.
- 8 On the 29th June 2026, Lichfields asked if Knowsley was able to share their comments on the Statement of Common Ground(s).
- 9 Knowsley Council finally issued their comments on the Highways SoCG on 29th June 2026 (**Annex 5**), some three months after they were sent the draft SoCG
- 10 Knowsley Council requested an extension of time to submit their appeal statement from Monday 6th July to Friday 10th July to agree the Statement of Common Ground and finalise any potential conditions.
- 11 On 2nd July 2026 PINS indicated that the Statement of Common Ground(s) should be submitted by Friday 10th July.
- 12 On 9th July 2026, the Appellant issued comments on the SoCG to the Council, based on the comments received from the Council on the 29th June 2026.
- 13 The Appellant and the Council were still working on the Highways SoCG by the 10th July and an extension was requested by the Appellant. PINS agreed an extension to 'no later than 21st July' 2026.
- 14 The Council sent its comments on the SoCG to the Appellant at 14:26 on 21st July 2026. This did not allow the Appellant sufficient time to review and respond in advance of the deadline set by PINS (**Annex 6**). The Appellant provided their comments to the Council at 18:35 on the 21st July 2026, with a track changed version issued to PINS at the same time for their reference.
- 15 Final comments were received from the Council on the 31st July 2026 (**Annex 7**).
- 16 Minor amendments were made by the Appellant to table 2.1 of the Knowsley Highways SOCG, relating to speed survey data from June 2025. The 85th percentile speeds included in Table 2.1 for northbound and southbound traffic were amended to include the full two weeks of data rather than the one week (which had been included by the Council). A final clean version was sent to the Council on the 12th August 2026 for signing (**Annex 8**);
- 17 A final signed version of the Highway's SoCG between the Appellant and Knowsley Council was issued to PINS on the 13th August 2026.

The prolonged delays in agreeing the Highways Statement of Common Ground with Knowsley has resulted in the additional expenditure for Taylor Wimpey in that planning and highway consultants have had to spend unnecessary time in chasing the Council for meetings and engaging in prolonged discussions on the SoCG. As set out in the correspondence above, Lichfields were proactively trying to respond and chase the Council at all points to ensure that PINS' deadlines were met.

Furthermore, in the agreed Planning Statement of Common Ground, the Appellant set out its preference to secure the offsite highway works by Unilateral Undertaking, this was presented to the Inspector as an appendix to the Planning SOCG.

On 26th August, PINS indicated that if a Unilateral Undertaking was to be relied upon, and to ensure he has all options open to him, the costings must be substantially agreed by the time of the Hearing. As set

out in email correspondence to PINS on the 14th September 2026, the Appellant engaged with Officers at Knowsley Council to come to an agreement on the costings presented in the draft UU so that the Inspector has the option to secure the offsite highway works through the obligation or by condition.

The Appellant met with Knowsley Council on the 4th September 2026 for an initial discussion and presented a technical note on the costings of the highway works. It was agreed at the meeting that Knowsley would need time to consider the costings and agreed that a further meeting would take place the following week to discuss and agree the costings (w/c 7th September). The Appellant met with Knowsley Council to discuss the updated costings at a virtual meeting on the 10th September 2026. Knowsley Council had not reviewed the costings ahead of this meeting but nonetheless indicated that they did not consider that the costings were sufficient. They were unable to provide their own costings to substantiate that position.

This has resulted in costs to the Appellant who has had to engage Planning and Highway Consultants to attend additional meetings with the Council, particularly in instances where the Council had not reviewed information provided in advance of the Hearing. The Highways consultants have had to spend time updating and reviewing the costings without receiving detailed comments from the Council on how they consider they need to be revised.

Conclusion

The Appellant has set out above the grounds upon which it is considered that the Council has acted unreasonably in both substantive and procedural ways, which has resulted in the Appellant incurring unnecessary or wasted expense in the appeal process.

The Appellant applies for a full award of costs on the basis that the appeal should not have been necessary. Alternatively, it applies for a partial award of costs arising from the unreasonable behaviour of the Council in failing to meet deadlines and or agree matters in a timely manner.

We trust that the information provided in this letter and the accompanying form provides all the information required for you to determine this application for costs. Should you require any further information, please do not hesitate to contact me.

Yours sincerely



Annex 1: Award of Costs Application Form

**Annex 2: Highways Meeting Note (29/09/2023)
and Circulation of Minutes via email
(11/10/2023)**



Annex 3: Email correspondence (16/06/2026)



Annex 4: Email correspondence (29/06/2026)



Annex 5: Email correspondence (21/07/2026)



Annex 6: Email correspondence (21/07/2026)



Annex 7: Email correspondence (31/07/2026)

Annex 8: Email correspondence (12/08/2026)