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## Costs Decision

Site visit made on 17 December 2019

**by David Carter BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 April 2020**

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### **Costs application in relation to Appeal Ref: APP/V4305/W/19/3230913 Land west of Coopers Lane, Knowsley Industrial Park, Kirby L33 7UB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Knowsley Metropolitan Borough Council for a full award of costs against EG Group.
  - The appeal was against the refusal of planning permission for redevelopment to provide petrol filling station, drive through café and drive through restaurant, together with access, landscaping and various other infrastructure works.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that 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.
3. The Council has sought costs from the appellant on the grounds that the proposal is clearly contrary to the development plan leading to an appeal that had no reasonable prospect of succeeding. Therefore, the Council seek recompense for the expense incurred in defending an unnecessary appeal.
4. It will be clear from my decision on the appeal that I do not share the Council's view either that the approach in the development plan is so clear-cut as they contend or that the appellant failed to sufficiently demonstrate meeting the exceptions in Policy CS4 of the Knowsley Local Plan Core Strategy (2016).
5. The Council's decision not to include up-to-date site information as part of their case meant that other evidence highlighted by the appellant, including the report, "Delivering a New Future for Knowsley Industrial Park: Strategic Framework, (DTZ, Arup and Taylor Young, 2011) comes into play. This report was commissioned by the Council and informs the approach in the Core Strategy. This report opens-up the possibility of non-employment uses on the appeal site.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*David Carter*

INSPECTOR