



Appeal Decision

Site visit made on 27 January 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/U2235/W/25/3376250

Former Syngenta Works, Hampstead Lane, Yalding, Kent ME18 6HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Paul Medhurst against the decision of Maidstone Borough Council.
- The application Ref 25/501377/REM sought approval of details pursuant to condition No 2 of a planning permission Ref 23/502119/OUT granted on 17 November 2023.
- The development proposed is approval of reserved matters (appearance, landscaping, layout, and scale sought) for Phase D for the erection of 4no. commercial buildings, comprising 64 units with associated access, parking and landscaping pursuant to 23/502119/OUT.
- The condition in dispute is No 9 which states that: "No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for this phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained."
- The reason given for the condition is: "To ensure a sustainable form of development and compliance with policy LPRQD1 of the Maidstone Local Plan Review."

Decision

1. The appeal is allowed and the approval Ref 25/501377/REM given to the details pursuant to condition No 2 of an outline planning permission Ref 23/502119/OUT given on 17 November 2023 by Maidstone Borough Council is varied by deleting condition 9.

Applications for Costs

2. An application for costs was made by Mr Paul Medhurst against Maidstone Borough Council. This application is the subject of a separate decision.

Background and Procedural Matter

3. Outline planning permission was granted by the Council for a "new business park of up to 46,447 sqm of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works". In 2023, Condition 21 of the permission was varied under Section 73 of the Town and Country Planning Act 1990 (as amended), to allow the occupation of 14,000 sqm prior to the provision of capacity improvements to a junction. Condition 2 of the outline permission requires the submission of reserved matters for approval by the Council. The matters for consideration under the reserved matters application the subject of this appeal were appearance, landscaping, layout and scale.

4. Condition 35 of the outline permission requires all buildings to achieve a 'Very Good' BREEAM UK New Construction 2014 rating, with a final certificate to be issued to the local planning authority for written approval within 6 months of the first occupation of any building.
5. I have been referred to a recent Supreme Court judgment *C G Fry & Son Limited v SSHCLG* [2025] UKSC 35. Amongst other things, this sets out that where approval for reserved matters in an outline planning permission is given subject to further conditions, those sub-conditions have to fall within the ambit of the reserved matters as defined by the conditions set out in the outline permission. As such, it is not open to a local planning authority to revisit matters which have been approved in principle at outline stage.
6. Condition 9 does not relate to the reserved matters in question, falling outside the scope of matters for consideration at reserved matters stage. The Council considers the condition is justified, in part, in the interests of ensuring an appropriate appearance, for example through the potential for solar panels on the roofs of the buildings. Nevertheless, the requirements of the condition go above and beyond matters of appearance, relating to operational energy performance and infrastructure. This goes beyond the ambit of the reserved matters and it was not open to the Council to add this condition.
7. Given my conclusions above, it is not necessary for me to go on to consider whether the condition is reasonable and necessary with regard to securing the provision of on-site renewable or low carbon energy.

Other Matters

8. I note the comments of interested parties regarding the potential for solar panels on the roofs of the proposed buildings. However, as set out above, the outline permission established the principle of development with specific matters to be agreed at a later stage. These reserved matters did not include renewable or low carbon energy requirements.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed. I will vary the reserved matters by deleting the disputed condition.

L Francis

INSPECTOR