
Costs 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

Costs application in relation to Appeal Ref: APP/U2235/W/25/3376250 Former Syngenta Works, Hampstead Lane, Yalding, Kent ME18 6HJ

- 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 Mr Paul Medhurst for a full award of costs against Maidstone Borough Council.
 - The appeal was against the grant subject to conditions of reserved matters for Phase D for the erection of 4 no. commercial buildings, comprising 64 units with associated access, parking and landscaping pursuant to 23/502119/OUT.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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. As set out in my appeal decision, the imposition of the disputed condition 9 did not fall within the scope of reserved matters. Although the Council considers the condition was justified in the interests of ensuring an appropriate appearance, the requirements of the condition went above and beyond matters of appearance, relating to operational energy performance and infrastructure.
4. The imposition of such a requirement at the reserved matters stage is beyond the powers of the local planning authority and inconsistent with the outline permission which is already subject to a condition (35) relating to the environmental performance of the approved scheme.
5. I note the Council's view that it was open to the appellant to submit a further application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the scheme. Whilst this may be the case, it was also open to the appellant to submit an appeal, and for the reasons set out above, this appeal should not have been necessary.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of adding a condition which was beyond the scope of the reserved matters, and an award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Maidstone Borough Council shall pay to Mr Paul Medhurst, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Maidstone Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Francis

INSPECTOR