
Costs Decision

Site visit made on 11 February 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2026

Costs application in relation to Appeal Ref: APP/Y5420/C/24/3342747 458A West Green Road, LONDON, N15 3PT

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Council of the London Borough of Haringey for a partial award of costs against MYC PROPERTIES LIMITED.
 - The appeal was against an enforcement notice alleging the erection of a roof addition/extension on the rear outrigger, creating an additional storey.
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Decision

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

The submissions of the Council

2. The costs application was for a partial award and was made in writing.
3. The development targeted by the enforcement notice was the same or similar as that proposed in application Ref HGY/2021/3205 for erection of “additional floor on top of the first floor rear”, refused permission on 15 December 2021. The refusal was appealed but the appeal was dismissed under Ref APP/Y5420/W/22/3293231.
4. The planning application and appeal were made by Mr Gunac Yaman and the enforcement notice served on MYC Properties Limited, company registration number 07219995. One of the directors is Yildirim Gunac YAMAN. It was suspected that the names refer to the same person but in any event the appellant was notified by email on 24 June 2024 that an appeal for the same or similar development had already been dismissed and a copy of the appeal decision was shared with the appellant. Therefore the appellant knew the development was unacceptable due to the appeal decision, but they persisted in appealing on ground (a) to obtain permission for a development that was dismissed on appeal.
5. The appellant submitted a daylight, sunlight and overshadowing assessment that was not considered at the last appeal. However, the other issues, character and appearance of the area and outlook remained the same and no case was made that was materially different to that dismissed in the appeal where the Inspector found the proposal unacceptable, Circumstances had not materially changed.
6. Therefore, the appellant unreasonably persisted in appealing the notice on ground (a) and the Council incurred wasted expenses in having to defend its case and in making this application.

The submissions of the respondent

7. The application should be refused. The following points were made:

- (i) the appeal should be allowed;
- (ii) the general rule is that parties are expected to meet their own appeal costs;
- (iii) the appellant is not party to any previous appeal;
- (iv) there is no suggestion that they have acted unreasonably;
- (v) there was a change in the evidence, ie the sun and daylight report;
- (vi) drone footage of new development nearby showed a change in character;
- (vii) each appeal ought to be decided on its own merits;
- (viii) procedurally the appellant has acted reasonably; and
- (ix) the appellant has merit given the elapse of time and new information/evidence.

Reasons

8. 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.
9. Paragraph 053 of PPG states that an appeal should be exercised reasonably and there is a risk of an award of costs being made against the appellant where the appeal or ground of appeal had no reasonable prospect of success, eg when:

“the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period.”
10. I have considered the planning application documents and the previous appeal decision. It is unarguable, having regard to the submitted documents, photographs and drawings that the development targeted by the enforcement notice was the same as or similar to that proposed in application Ref HGY/2021/3205.
11. As to the appellant’s submissions, the appellant company may not have been party to the previous appeal but there is clearly such a close connection between the appellant company of which the previous appellant was a director and that director. Indeed, it is a matter of public record that Mr Yildirim Gunac Yaman is not only a director but an active person with significant control of the appellant company.
12. Parties do not always bear their own costs, and the appeal was dismissed on its merits, including consideration of the drone footage. An overall judgement about living conditions was appropriate and in any case, not only did the daylight and sunlight assessment not materially affect the balance to be struck on that issue, I found it to be flawed. Even if I had agreed that the assessment showed no adverse sunlight/daylight effects on No 456 that would be a neutral consideration, the appellant could not adduce that as a positive benefit of the development.
13. I find that the appellant acted unreasonably in persisting with a ground (a) appeal on the same, or a very similar development on the same, or substantially the same site, where the previous Inspector made it plain that the development should not be allowed. The costs incurred by the Council could have been avoided had the appellant not acted unreasonably in bringing the appeal on ground (a). The other ground of appeal (f) was ineffective because the generalised alternative was not properly articulated.

14. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred. A partial award of costs is warranted in respect of the costs of defending the ground (a) appeal, and of making this application.

Costs Order

15. 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 MYC Properties Limited shall pay to the Council of the London Borough of Haringey, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing for and making its case on ground (a) including responding to the appellant's case thereon and its costs of making this application; such costs to be assessed in the Senior Courts Costs Office if not agreed.

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

Grahame J Kean

INSPECTOR