



Appeal Decision

Site visit made on 14 February 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/X0415/C/24/3343412

Weeton House, 52 Bottrells Lane, Chalfont St. Giles HP8 4EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
- The appeal is made by Mr Vincent Franey against an enforcement notice issued by the Buckinghamshire Council.
- The enforcement notice was issued on 26 March 2024.
- The breach of planning control as alleged is the erection of play equipment.
- The requirements of the enforcement notice are to 1) Remove/demolish the play equipment comprising of the building, climbing frame and raised platforms as well as any and all associated development, including any ropes, nets, slide or other attached paraphernalia to the structure within the area hatched on the plan attached to the notice and shown in photo 1, and 2) remove all materials and debris resulting from complying with step 1.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the 1990 Act.

Summary of Decision: The enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal decision.

Ground (a)

1. The main issue is the effect of the development upon neighbours’ living conditions regarding loss of privacy, overlooking and outlook.
2. It appears things have changed on the ground since the appeal. At the date of the notice’s issue, the play equipment was roughly 1.5 metres above ground level. It comprised timber platforms linked to existing trees. At the one end a covered timber platform and on the other end a pitched roof shelter with a slide: the two platforms being connected by a roped bridge. The climbing ropes appear to have been removed and only one element of the platform remains. Nonetheless, the terms of the deemed application are directly derived from the allegation and planning permission is sought for the erection of play equipment.
3. No. 52 is situated in a mainly residential area close to a junction. It is a detached dwelling with rear garden, which includes the children’s play equipment. The Council, supported by some residents, are concerned about the design of the wooden climbing frame. The equipment rises above adjacent means of enclosure and is clearly noticeable from within the adjoining properties and rear gardens. Nevertheless, the equipment is located at the end of the garden to no. 52. When the material used in its construction is considered in combination with the open climbing frame and location in a group of existing trees, the play equipment’s size and siting does not have a visually harmful overbearing effect nor does it materially harm outlook.
4. The concern is that adults or children who sit on the structure can see directly into neighbouring gardens, but it should be borne in mind that the intended users of the

play equipment are children. They are likely to be noticeable from adjoining properties when using the climbing frame and platforms. Although momentary and infrequent, children playing and standing on the equipment will have unimpeded views of adjoining gardens.

5. However, given the makeup and layout of existing dwellings in this semi-rural settlement, rear gardens are already overlooked. For example, there are numerous windows to habitable rooms in rear elevations. Most of these openings are of similar scale and appearance. Observing from a window is likely to be different than being outside in the open air, nonetheless, it is likely residents who utilise upper floors for human habitation would also be able to overlook adjoining gardens without significant visual interruption. In my planning assessment, there is already significant degree of overlooking in this locality.
6. The perception of being overlooked has probably increased due to the location of the children's play equipment and its overall height. That said, the equipment sits within a small group of existing trees and adjoining gardens are heavily landscaped given the locality's characteristics. Closed-boarded fence along boundaries impedes direct views, and the play equipment is likely to be infrequently used by children. In a semi-rural and compact built environment such as this, overlooking is totally unavoidable, due to the form, design and setting of the properties.
7. The Council has suggested a condition requiring additional screening and, in my opinion, there is some potential for improving soft landscaping along the boundaries. Such landscaping would, in time, further reduce the visual effect of the play equipment and, potentially, reduce the feeling of being overlooked. Upon careful consideration of concerns raised by the neighbours, it is my view that an appropriate alternative compromise—one which minimises both cost and disruption—would be to impose a planning condition specifically addressing these concerns. Such a condition would make the development acceptable in planning terms.
8. Should it not be possible to impose a suitably worded condition, planning permission would have to be refused. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement or occupation of the development, regardless of the importance of those details. Therefore, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated.
9. The key feature of the retrospective condition is that the children's play equipment must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale.
10. Pulling all the above points together, subject to conditions, I find that the development does not materially or unacceptably harm neighbours' living conditions and the main aims and objectives of policy GC3 of The Chiltern District

Local Plan as consolidated (2007), which is broadly consistent with guidance found in paragraph 135(f) of the National Planning Policy Framework (2024).

Overall conclusions

11. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) should be allowed subject to conditions. As the notice will be quashed, ground (f) does not need to be considered.

Formal decision

12. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for the development already carried out, namely, erection of play equipment, subject to the following condition:

- 1) The play equipment hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a landscaping scheme, showing details of the type of plants, including specimen and overall growth height (known hereinafter as “the scheme”), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

A U Ghafoor

INSPECTOR