



Appeal Decision

Site visit made on 11 March 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/G3110/W/24/3356663

295-301 London Road, Headington, OXFORD OX3 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gurdwara Sri Guru Nanak Dev JI against the decision of Oxford City Council.
 - The application Ref is 24/02200/FUL.
 - The development proposed is retention of static caravan for a temporary period of 5 years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024 and replaces the previous version published in December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
3. The draft Local Plan 2040 was submitted for examination in March 2024. However, in September 2024 the Inspector advised that the plan be withdrawn. Hence, due to its stage of preparation its policies have little weight.
4. The application is retrospective as the static caravan is already on the site and in use. I have dealt with the appeal on its planning merits.

Main Issue

5. The Council's second refusal reason alludes to some doubts as to the ownership of the property and whether the correct certificates have been completed and/or served. However, there is no compelling evidence before me to suggest that the correct certificate has not been submitted or that it has been served incorrectly. My remit in considering this appeal does not extend to establishing ownership of the property or the validity of the application that was determined by the Council.
6. In light of this, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site comprises a Sikh temple on the corner of London Road and Northfield Road in the eastern suburbs of Oxford. There is some difference in how the parties describe the appeal site and what I saw on my site visit. The Council

describes the appeal site as comprising a two storey building fronting London Road with a series of single storey projections at the rear. The appellant also describes it as a semi-detached property. The appeal site address is 295-301 London Road and the red line on the location plan clearly shows the whole property from its boundary with 291-293 and includes the two storey property on the corner and the various extensions and buildings at the rear. However, fronting London Road there is a single storey element that is the Sikh temple. It appears there are flats in the two storey building on the corner and that the Sikh temple does not occupy the whole building.

8. Nonetheless the site occupies a location in a predominantly residential area. I saw that London Road is a busy arterial route into Oxford, a short distance from the Headington Roundabout on the Eastern By-pass. The appeal site is one of a few non-residential properties in this location. In contrast, Northfield Road is a quiet residential street comprising predominantly 2-storey detached and semi-detached properties. Properties are close to the back edge of the pavement but set behind low boundary walls, a pavement, a grass verge and trees, which contribute to an attractive and generally well-maintained street.
9. The proposal involves the siting of a 9.5 metre long static caravan in the rear yard of the temple for the purpose of holding weekly committee meetings for about 6-8 people. The caravan and rear yard are accessed via a gated entrance off Northfield Road. The static caravan is orientated parallel to the shared boundary with 291-293 London Road. It is pale green, grooved prefabricated plastic, commonly used on static caravans and mobile homes.
10. The siting of a large green static caravan is out of character with the predominantly traditional brick buildings and houses in the surrounding area. The property already has an ad hoc assortment of structures at the rear, including part of a red metal shipping container. Whilst the static caravan is not in a poor condition, it nonetheless fails to integrate with the existing structures on the site and fails to respect the building form and materials used in the surrounding area. Whilst the static caravan is not visible from London Road, it is highly visible from Northfield Road as one passes the site. I find the static caravan is an incongruous feature in this residential area and whose design and siting fails to respond to, and enhance, the character and appearance of the area.
11. I do not question the need or importance for the committee to meet regularly to discuss the smooth running of the temple, its general organisation and any issues raised by worshippers. The same would similarly apply to a multitude of places of worship and other organisations. What is unclear from the appellants' evidence is why a static caravan is being used and why it is needed for a temporary 5 year period.
12. Inside the static caravan there was a upholstered seating area around a table in the living area. There was a galley kitchen, two bedrooms and a small bathroom. These additional rooms would not appear to be necessary for the purposes of holding a committee meeting once a week. Therefore in my view the static caravan is unnecessarily large for its intended purpose, in addition to its unsuitable appearance in this location.
13. Inside the temple and single storey part of the building I saw a main prayer room, and a communal area adjacent to the kitchen that could be used for a variety of

functions. There was a small private room used by the priest which was not conducive for meetings due to its internal use, and there were some toilets. Part of the shipping container seemed to be in use for more kitchen space and outside there were a number of tables arranged under a single storey canopy.

14. There is no substantive evidence to demonstrate why the appellants cannot use some of the space inside the temple, when meetings are only held once a week and involve only 6-8 people. Nor is there any substantive evidence to show or explain why the static caravan is the only way to provide the extra space needed for committee meetings, and why other types or designs of structures could not be used, or why the property cannot be extended in a more conventional manner. Nor is there any explanation of why the static caravan is needed for 5 years and what would happen to the committee meetings and the static caravan when the 5 years expire. I find there is insufficient evidence to justify the harm being caused to the character and appearance of the area. The proposed siting of the static caravan for a temporary period of 5 years would not lessen that harm.
15. As part of my assessment, I have had due regard to the Public Sector Equality Duty (the PSED) set out under Section 149 of the Equality Act 2010 and aims to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and persons who do not. Protected characteristics include religion. Thus the PSED is engaged in this appeal, but the duty does not mean that the appeal must succeed. In the absence of evidence to the contrary, I cannot conclude that the static caravan to provide a space to hold weekly committee meetings is the only way to meet the particular needs of the community. It follows that the appellants' circumstances cannot be the decisive consideration in this case. Therefore, I find that dismissing this appeal would not amount to unlawful discrimination and a refusal of permission for this unacceptable development that would harm the built environment would be essential to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
16. I have also considered the rights of the appellants under Article 9 of the Human Rights Act 1998 (HRA98), whereby people have a qualified right for freedom of thought, conscience and religion. This is a qualified right and interference may be justified in the public interest, but the concept of proportionality is crucial. A refusal of permission for the static caravan would not prevent the Sikh community from continuing to worship at the temple. Whilst the committee would not be able to use the static caravan for their committee meetings if the appeal is dismissed, this interference would be in accordance with the law and in pursuance of a well-established and legitimate aim, namely the protection of the character and appearance of the area and the built environment. I find the interference would be proportionate and necessary and it would not amount to a violation of the appellants' rights.
17. The PSED and HRA98 add weight to my conclusion that the appeal should be refused. Accordingly, the development is contrary to Policies DH1 of the Oxford Local Plan and Policies CIP1 and GSP4 of the Headington Neighbourhood Plan. Together these seek, amongst other things, to ensure that development is of a design that responds and enhances the site and character of the surrounding area. The appellant wrongly refers to Policy GSP4 as relating to 'Protecting Tree Cover'.

Conclusion

18. For the reason above, the appeal is dismissed.

K Stephens
INSPECTOR