MOUNT CLARE CAMPUS, MINSTEAD GARDENS, ROEHAMPTON GATE, SW15 4EE

PINS APPEAL REF NO.
APP/H5960/W/25/3371729

APPELLANT'S CLOSING SUBMISSIONS

INTRODUCTION

1. These are the Appellant's closing submissions in support of its appeal against the non-determination by the London Borough of Wandsworth ("the Council") of the application for planning permission for the "*use of buildings as hostel accommodation (Sui Generis) with associated landscaping and cycle parking*" at Mount Clare Campus, Roehampton.[1]

2. The following main issues were identified at the start of this inquiry and are considered in these submissions in this order:

    a. Whether there is a requirement for affordable housing ("AH") provision;

    b. Whether the proposals result in high quality living accommodation (addressed under the heading of "suitability");

    c. Whether the proposals preserve and enhance the character or appearance of the Alton Conservation Area; preserve and enhance a Grade II Alton West Registered Park and Garden; preserve a Grade I listed building known as Clare Mount and Grade II listed building known as The Temple, along with their setting or features of special architectural or historic interest that each possesses;

[1] As specified by the Inspector following the CMC on 11 December 2025

d. Whether the proposals optimise the capacity of the site in terms of housing delivery, having regard to dwelling type, needs, mixed and sustainable communities, and heritage assets.

3. Those issues will be addressed below but relevant to all the issues (other than heritage impact) is the fundamental question of what the actual purpose of the proposed temporary accommodation at Mount Clare is. This is because the proposal is for a hostel use, but it is specifically to provide temporary accommodation.

4. It is only when that question is addressed that the question of the correct application of the various planning policies to this proposal can be answered. And the question of purpose can only be answered by a proper understanding of the need for temporary accommodation by homeless people in this area. Both those are issues are therefore addressed first of all.

PURPOSE OF AND NEED FOR TEMPORARY ACCOMMODATION

The general purpose of TA

5. It is important to understand what the term "temporary accommodation" means. It is used to describe housing provided by a local housing authority pursuant to its duties under the Housing Act. As Mr Worth, the Council's Director of Housing Services, has stated the duty is on a Housing Authority to provide such accommodation within the Council's own district as far as is practicable. Temporary accommodation is therefore accommodation that is provided to homeless people pursuant to a local housing authority's duties under the Housing Act to provide suitable accommodation to those that fall within the statutory definition of homeless.[2] That is its primary purpose. A key point flows from that. Temporary accommodation by definition is "temporary". Its purpose is not to provide long term "housing" for the homeless, nor a permanent home for homeless people.

Need for TA generally within the Borough

6. It is common ground that there is a need for temporary accommodation within the Borough. Mr Worth's own evidence is that "*in the current year it is expected that over 4000 households will approach the Council*".[3]

[2] Cooley PoE para. 4.1
[3] Worth PoE para. 3.8

7. Mr Worth's evidence was also that at present nearly half of all placements are located in the Borough (and conversely therefore over half are placed out of Borough). Ms Cooley's unchallenged evidence was that the Council places 45% of households out of Borough.[4]Therefore on any analysis there is an unmet need for temporary accommodation within the Borough for at least 2000 households.

8. Mr Worth was adamant that there is no "unmet need" but that was in the sense of the Council's meeting its statutory duties. Of course the Council as housing authority is meeting that need in the sense of finding placements for those households, but it is only doing so out of Borough.

9. Far from being merely "inconvenient" for those housed out of Borough, as Mr Worth asserted in his proof, doing so out of Borough causes real difficulties for those in such placements, for all the reasons set out by Ms Cooley,[5] and referred to in the LGA Guidance on Out of Borough Placements ("the LGA Guidance")[6] Those include the impact on households in terms of access to employment, education, and other services.

The need for "general needs accommodation" versus specialist accommodation for vulnerable

10. The Council's Director of Housing, Mr Worth, also helpfully set out in his oral evidence that there was a "*significant minority*" of those in need of temporary accommodation in the Borough who are vulnerable people with particular needs.

11. That left a majority of those who are in need of "*general needs accommodation*".[7] That was a very helpful term – introduced by Mr Worth - to describe accommodation for those who do not have particular needs over and above a general need for housing, and to distinguish it from accommodation for the vulnerable, in the sense of those whose needs can only be met by a specific type of specialist or supported form of accommodation.

12. Based on the percentages in Mr Worth's evidence, it is reasonable to assume that of the cohort of 2000 households who have to be accommodated out of the Borough, there would be a significant number of such households who need this general needs accommodation.

[4] Cooley PoE para. 7.20
[5] Cooley PoE para. 7.19
[6] See for example K54 page 3 – 4 and "disruption to children's education".
[7] A term first used by Mr Worth in his oral evidence under cross-examination (Worth XX, Day 3).

Mr Worth was asked in cross-examination about what proportion of those 2000 households would need vulnerable housing, and Mr Worth indicated a few hundred. He therefore agreed with my suggestion of approximately 1800 households in need of "general needs accommodation".

13. The Council however as local planning authority throughout this appeal has consistently and unreasonably failed to recognise the importance of that fundamental distinction between accommodation for homeless people who just need somewhere to live, and accommodation for homeless people who are vulnerable in the sense of requiring specialist accommodation with on-site support or care. They have sought to muddle the two very different types of accommodation up, which has resulted in the Council seeking to impose higher (and undefined, subjective) standards than are unnecessary to fulfil the purpose of short term temporary accommodation.

Purpose of the appeal accommodation

14. This accommodation is intended to provide precisely the sort of general needs accommodation the Council's own Director of Housing Services has confirmed is needed in the Borough.

15. The proposal would be managed via the management plan (which is agreed can be secured by condition) which makes clear "*the operational management for the purposed use of the buildings at Mount Clare Campus as temporary accommodation*".[8] This means by definition that the accommodation has to be accommodation provided by a local housing authority to an occupier to meet its housing duties. Critically, no private lettings, short term lettings or market occupancy would be permitted.[9]

16. Equally critically, the plan states that "*vulnerable households requiring specialist care (eg dependency issues) will not be housed at Mount Clare Campus*" [10] In any event, the proposal is not designed for those with complex needs and high intensity placement requirement, nor is it offering supported and specialist accommodation.[11] No on-site support or care services are offered. There are no physical adaptations to the proposed accommodation that would make it

[8] Appendix 1 Sahota PoE, G2 Appendix 1
[9] Management Plan para.3a
[10] Paragraph 3(d)
[11] Paras 5.31 and 7.33 PoE Cooley

appropriate for any other cohort of homeless people other than those in need of accommodation.

17. Of course there is a risk that vulnerable people (i.e in the sense above) who constitute a significant minority of the homeless cohort in the Borough might end up being placed in this accommodation. But as Ms Cooley said in her evidence, that would be a mistake and the Council would have to take steps to resolve that and find suitable accommodation for those types of occupiers. Merely because of that risk of the wrong type of occupier being offered the proposed accommodation at Mount Clare , it is a complete nonsense to classify it for that reason not as "general needs accommodation" but as accommodation for the vulnerable. Just as it would be a nonsense to classify normal C3 housing as specialist housing for the vulnerable merely because a vulnerable person might end up living there.

Long term accommodation

18. Nor is the proposal intended to be used for long term accommodation. The management plan also makes that clear.[12]

19. The Council's position on the correct classification of the type of accommodation proposed here again is entirely circular, and frankly absurd. It has sought to argue that it is for "long term" temporary accommodation, in order to avoid the application of the pan-London Setting the Standards Document ("STS"). It does so on the basis that the average length of stay in temporary accommodation in the Borough is for 3 years. This entirely ignores the purpose of the temporary accommodation here and its design.

20. On the Council's rationale, all temporary accommodation should be classed as long stay regardless of its purpose - whether in B&B, hotels or elsewhere, merely because homeless people unfortunately – due to the general housing crisis - might end up in it for 3 years. There is no indication that other temporary accommodation provided by the Council elsewhere – the hotel in Tooting for example – is classified by the Council as "long stay" merely on this basis. The logical consequences of this approach – if that is really the approach taken by the Council's Housing Services – would mean that there is no scope at all for the provision of short term TA in the Borough. That is wrong in principle and totally self-defeating, as it would just result in the application of unnecessarily high standards,

[12] Appendix 1 to Sahota PoE, G2 Appendix 1

making it harder to find temporary accommodation and ultimately more homeless people having to be moved out of Borough.

21. In short, this accommodation is not designed for the vulnerable nor is it designed for long stay accommodation. It is temporary accommodation designed to meet the acute need in this Borough, of those who are homeless (in the sense defined in the Housing Act), for general short term accommodation, and its provision would therefore directly assist the Council in meeting its duties under the Housing Act.

22. Once the correct classification and purpose of the TA proposed here is correctly identified as set out above, the misapplication of several planning policies to this proposal by the Council (notably in relation to AH, accommodation standards, and accessibility) becomes clear. Those are now addressed in turn below.

AFFORDABLE HOUSING

23. It is self-evident, and should have been evident to the Council when it decided to resist this appeal, that none of the policies relied on by the Council in its Statement of Case and in the evidence of its planning witness Mr Smith to justify an AH contribution apply. The interpretation which the Council in its Statement of Case and evidence sought to place on those policies – in an approach that putting it generously can best be described as a scatter gun - was plainly wrong. Taking the policies and guidance relied on by the Council in turn:

    a. Policy H4 of the London Plan and LP23 of the Wandsworth Local Plan. Both of these refer to a target for 50 per cent of all new "*homes*" to be genuinely affordable. Footnote 50 refers to "*all major development of 10 or more units triggers and AH requirement*". A similar requirement appears in London Plan LP23, which refers to development that creates ten or more "*dwellings*" on individual sites having to provide affordable housing . The Local Plan AH policies expressly stated that that its strategic policy is to seek the delivery of AH in accordance with the Local Plan. It is clear therefore that the reference to "units" in Policy H4 and LP23 of the London Plan refers to C3 dwellings i.e housing and that this is precisely how the Council when adopting the Wandsworth Local Plan understood Policy H4 to mean. It is common ground, and accepted by Mr Smith in cross-examination, that this proposal is not for dwellings or housing. So these general housing policies do not impose any sort of AH requirement on this proposal.

b. LP23 Wandsworth Local Plan and its reference to residential accommodation with shared facilities. The reference to *"residential accommodation with shared facilities*", in Policy LP23(H) which the Council seeks to rely on, clearly means "housing with shared Facilities" as set out in LP29, i.e HMOs and large-scale purpose built shared living accommodation ("PBSLA") not every type of residential accommodation with shared facilities. This is again entirely in accordance with the London Plan, which sets out under Policy H5 in the explanatory text at paragraph 4.5.16 "*specific affordable housing approaches in those types of development*". Critically, Policy H12 ("supported and specialised accommodation") is specifically excluded. It was accepted by Mr Smith in cross-examination that this proposal is not for PBSLA or for an HMO use. Therefore this limb of policy LP23 does not apply to this proposal.

c. LP31. The reference to the provision of affordable housing at LP 31 B4 states "*in accordance with Policies H4, H5 and H13 of the London Plan*": that clearly means that it should be construed consistently with those policies and plainly does not seek to go further than the London Plan in terms of the scope of development caught by the AH requirement. Housing for older people attracts an AH contribution in the London Plan, but not specialist housing under H12. LP31 groups together in one policy the policies designed to respond to two separate policies in the London Plan, perhaps explaining why the Council has got confused. So even if LP31 applies (which it clearly does not – it states it covers all forms of housing for vulnerable people and older people defined in Use Class C2 and C3[13]) then in any event it would still mean that no AH contribution is required from specialist and supported housing for vulnerable people.

d. The London Plan SPG on Planning Obligations and its reference to hostel accommodation at para 2.51 [14] was not a reasonable basis to continue to require an AH contribution. Firstly it was referring to new types of non self-contained accommodation, such as purpose-built shared living accommodation ("PBSL"),

[13] See Explanatory text 17.57: " *LP31 covers all form of housing for vulnerable people and older people defined un use class C2 and C3 and responds to London Plan Policies H12 and H13*".
[14] Smith PoE, Appendix 2

not TA. Secondly, it plainly cannot override the provisions of the London Plan even if there were any conflict between the two, as Mr Smith fairly conceded.[15].

24. In case of any remaining doubt over what is the correct interpretation of those policies, the Appellant's approach to AH and its interpretation of policy above is one that is shared by the GLA itself. Of course, the correct interpretation of policy is a matter of law not for the decision maker or a statutory body. But the fact that the GLA's Development Management Team, asked the question by Mr Sahota in a neutral way about how affordable housing policies applies to a proposed hostel (temporary accommodation), entirely agrees with the Appellant's interpretation is telling. Ms Woods made it clear *"the London Plan currently requires affordable housing contributions from the following forms of residential development: Class C3 Housing (including specialist older person's housing if this constitutes self-contained housing as opposed to care home accommodation, large scale purpose built shared living/co-living, and student accommodation…no other forms of residential accommodation attract an affordable housing contribution…"*.[16]

25. Mr Smith's referred in his oral evidence to the e-mail from the Viability Advisor at the GLA[17], a Mr Reeves. He mentioned the lack of "detailed case specific knowledge" is wholly irrelevant. Setting aside the fact that Mr Reeves was not a development management officer but rather a viability advisor, the simple point is that the context of the discussion was about the referability of the proposal, not about the in principle application of policy to TA accommodation. The fact that Ms Woods did not have the detail of the proposal is neither here nor there: she was asked by Mr Sahota plainly about a point of principle about what the policies in the London Plan require, and gave a clear answer.

26. Finally, the Appellant's reliance for the (first time in its closing submissions at para.48, although a preview was provided in the costs submissions filed yesterday) on Rectory Homes Ltd v SSHCLG [2020] EWHC 2098 at [48] is a new and particularly bad point. It did not address the "similar point" made by the Appellant and put to Mr Smith – namely that temporary accommodation units proposed here are not "dwellings". The central challenge in that s.288 challenge was whether on a proper interpretation of the development plan in that case (South Oxfordshire), a proposal for extra care housing within

[15] Smith XX Day 5
[16] Sahota PoE Appendix 11.
[17] K24, page 6

the C2 Use Class does not fall within the scope of the policy requiring schemes for 3 or more dwellings to provide affordable housing (see para. 2). The care homes were for "independent living". Setting aside that this case did not concern a question of interpretation of the London Plan or Wandsworth local plan policies, it simply does not address the question here as to whether or not temporary accommodation should be considered as either "dwellings" or "housing" . The definition of dwelling at [52] of that judgment – namely "*a unit of residential accommodation which provides the facilities needed for day-to-day private domestic existence*" , which I note was not referred to by Mr Wald, plainly does not apply to a hostel use, which is not self-contained.

27. In summary, this proposal, properly understood, plainly does not attract any sort of AH requirement. The policies are clear, the GLA agrees with the Appellant, and the Council has plainly got this wrong. It should never have pursued this point.

SUITABILITY OF ACCOMMODATION

Relevant planning policy

28. The question of suitability of the accommodation is a relevant and material consideration, but not because of the application of planning policy. The Appellant submits that there is no specific policy requirement that applies a particular standard to temporary accommodation. Instead the relevant question is simply whether it is suitable as TA, because if not it would not be used by either this Borough or any other London housing authority, and would therefore not provide the substantial benefits relied on by the Appellant.

LP31

29. The Council's reliance on LP31 – and therefore its reference to high quality and good access to public transport (which is common ground means in the London Plan PTAL4) - is plainly flawed for at least the following reasons.

30. First, The Council's interpretation is to read "vulnerable" in LP31 as the same as "homeless" . That is plainly wrong and the fact that it is even advanced is a reflection of

its desperation to find some sort of objective standard which it can then assert the proposal does not meet.

31. Second, as a matter of interpretation – which to repeat is a question of law – LP31, read in context of the explanatory text and in the context of the words of the policy itself, only applies to C2 and C3 uses, and therefore not to this proposal which is sui generis. The explanatory text states in terms at 17.57 that LP31 "*it covers all forms of housing for vulnerable people and older people defined in Use Classes C2 and C3 and responds to London Plan Policies H12 and H13*". This is not a proposal for housing (whether C2 or C3), it is a proposal for temporary accommodation falling outside H12 and H13.

32. Third, given that the policy "responds" to London Plan H12 and H13, those policies are relevant to construing LP31. The reference to "*vulnerable*" therefore has to be read in the narrow sense of people with the sort of specific needs set out at London Plan Policy H12 (eg refuge/prison leavers, disabled people who require additional support, rough sleepers, victims of domestic abuse). It should not be read in the very wide sense that the Council seeks to ascribe it i.e vulnerable means anyone that is homeless. That wholesale correlation of homeless with vulnerability is simply wrong for all the reasons set out above and as discussed with Ms Cooley and Mr Worth in their evidence about the differing needs of those within the wide cohort of "homeless".

33. Fourth, it is clear that the reference to specialist and supported housing is a reference to housing where additional provision, in terms of both physical additional support and care support, to meet the needs of residents would be provided which would not ordinarily provided in normal C3 housing:

    a. The text at 17.57 refers to "*additional support and adaptations*".
    b. The examples set out in LP31 are all examples where additional and extra on-site care and provision is made to meet the needs of the vulnerable, none of which would be provided here. The fact that the list is not exclusive (which appears to have been Mr Smith's point) is neither here nor there: it is relevant to interpretation of the policy that all of the examples share this characteristic.

34. Fifth, the suggestion by Mr Smith that it applies to "homeless" people, in reliance on the Explanatory Text's reference to "homeless" people at 17.57, 17.60 and 17.61 is a plainly

opportunistic attempt to salvage any sort of argument, and plainly is wrong: the policy itself is not directed to the homeless, the explanatory text cannot extend its scope which is clear on the face of the policy. The reference to "homeless" is merely a reflection of the uncontroversial fact that many homeless people will be vulnerable.

35. Properly construed therefore, LP31 plainly does not apply to this proposal. Ms Cooley's evidence was clear that this proposal is not for vulnerable people in the sense of people that need additional care and support, and that it would be a mistake if such people were accommodated here.. She was also unequivocal that on this basis LP31 did not apply.[18] Mr Sahota confirmed – despite his clearly mistaken concession in cross-examination that LP31 did apply – that it was not triggered: see his proof of evidence paragraph 6.103. Applying it to this proposal would be a clear error of law.

H12

36. Nor does Policy H12 in the London Plan on its face apply, although as Mr Sahota rightly noted, the proposal accords with the general thrust of that policy in the sense that accommodation which meets an identified needs should be supported.

37. All of this means that in policy terms there is no specific quality standard that applies here: in particular there is no express policy requirement for this accommodation to meet some sort of "high quality" standard (however that is defined) or a precise PTAL standard. The relevant question, which is of course a material consideration, is simply whether or not the accommodation meets the requirements of the group it is intended for: i.e homeless people in general need of accommodation.

Relevant standards

38. There are two sets of relevant standards before this inquiry: the STS Standards and the LGA Out of Placement Guidance.[19] Significant weight should be attached to both documents given their authorship and intended audience. They both clearly apply to this proposal.

[18] Cooley PoE, para. 5.16
[19] K54

(1) STS Standards[20]

39. These standards were published in September 2022, and state on their title page that they are "*Standards and Guidance Note for StS Inspection Officers and Local Authorities*". They state that they constitute a "*Pan-London centralized accommodation provision and inspection scheme used by Local Authority Homeless Persons Units, in London to secure accommodation for the temporary placement of homeless persons throughout the Capital*." Given that role, they clearly are designed to assist Housing Authorities meet their housing duties, because they provide a benchmark that providers should meet and therefore a reference point for local housing authorities to use when trying to source appropriate TA.

40. They clearly apply to the sort of accommodation proposed by the Appellant at Mount Clare. The STS Standards document states that:

> *"StS Standards only apply to accommodation secured by Local Housing Authorities (LHAs) on a nightly rate basis. These include "Bed and Breakfast establishments," Bedsit-type accommodation, Hostels and self-contained studio units. The Standards do not apply to permanent or long-stay accommodation or to emergency placements in commercial hotels."*

41. Based on the face of the STS Standards document, as this accommodation is a hostel, and would be secured on a nightly rate basis, it clearly applies to hostel use.

42. Mr Worth accepted – rightly - that the STS Standards applied to this proposal as a minimum standard in cross-examination and so there was no need to question him on what he stated at paragraph 4.5 of his proof (i.e that the standards did not apply to longer term leasing arrangements) . His implicit retraction of that concession in re-examination – on the basis that this accommodation was for long term accommodation or was not nightly rated - was plainly flawed.

43. This accommodation would also still be nightly rated, contrary to what Mr Worth asserted. As Mr Sahota explained,[21] there is a clear distinction between "*nightly paid*" (which refers to how the Council pays a third party for accommodation) and "*nightly rated*", which refers to how the Council collects payments (i.e from the occupiers). We know from the Council's website that the Council collects its payments from occupiers in two ways: for

[20] I16
[21] In response to the Inspector's question and in re-examination, Day 5

accommodation leased from private landlords (for sole use), weekly in advance. For the rest, it charges accommodation for the occupier every night.[22]

44. Given the standards apply to ultimately assist the end occupier, it would be bizarre that the application of the STS Standards varied merely according to the financial arrangements between an authority and a freeholder. There was therefore nothing inconsistent at all in Mr Sahota's written evidence about seeking to help the Council move away from expensive nightly paid accommodation yet stating that this accommodation would remain nightly rated – he was clearly referring to the expense of accommodation that is charged on a nightly basis to the Authority.

45. For the same reasons set out above, the accommodation is not for long term accommodation, even if in the event, and due to the housing crisis, individual occupiers stay at Mount Clare longer than was intended.

46. The STS Standards apply a variety of minimum standards. Given their role, compliance with those minimum standards must necessarily mean that the accommodation is fit for its purpose: i.e as TA. And that is the key question when looking at the quality of TA. Accommodation that is fit for purpose and meets the highest Grade in the STS, in the context of the statutory role of TA, is clearly high quality. It may not be high quality if used as C3 accommodation, but that is not the test.

(2) LGA Out of Placements Guidance[23]

47. The LGA Guidance sets out "*suggested minimum standards which all councils should ideally agree to follow when making both temporary and long-term placements of households in another local authority area within England*". They are more recent than the STS. The fact that they apply to out of area placements does not affect their weight, since whether placements are in or out of area should not affect accommodation standards. They clearly apply to the sort of accommodation proposed here.

[22] K57 (extract from Wandsworth Housing Services website), Page 4. Confusingly, it refers to "nightly paid accommodation" but that is a clearly a reference to how the Council pays for it.
[23] K54

48. Annex 1 sets out minimum space standards which (in terms of sleeping areas) are similar to the STS Standards (for example, a 2 person room should have a 10.22m2 size room). Critically, it is the only guidance before this inquiry which applies walking distance standards: see page 22. It states that a convenience store should be within 30 minutes of combination of walking and public transport, and regular transport links within 10 to 15 minutes' walk.

49. It is telling that these distance standards are lower than the standards in LP31 (both in terms of PTAL4 and in terms of the explanatory text at LP31 which refers to the location of specialist accommodation being "*within 15 minutes' walk of key local services*")[24] – a reflection of the fact that these standards are for "general needs" TA and not specialised or supported accommodation.

The Council's position on applicable standards

50. The Council's position that the STS Standards do not apply if still advanced is flawed for the reasons set out above regarding "nightly rated" and "long term" accommodation. It was also unclear why the LGA standards should not apply (they were not even addressed in Mr Worth's written evidence). It is telling that the Council was not able to point to any other objective standard that actually applies to the appeal accommodation.

51. The Council's Statement of Case under Quality of Accommodation referred to wholly irrelevant standards applying to HMOs and PBSL, which self-evidently do not apply. Mr Smith accepted that this proposal was not for HMO or PBSL[25] and that should have been the end of the matter. Therefore the Council's original assertion of poor quality was premised on a fundamental misunderstanding of the purpose of this accommodation: namely temporary accommodation the purpose of which was to assist either this Borough or any other local authority meet its homelessness duties under the Housing Act. By definition, this proposal could never be an HMO as it would only ever be used by local planning authorities or registered providers.

52. The suggestion by the Council that these standards, even if strictly speaking not applicable, are nonetheless relevant is a nonsense. The statutory exemption from HMO regulation –

[24] 17.61, page 367
[25] Smith, cross-examination, Day 5 (AM session)

and therefore by extension the standards that apply in the course of that regulation - for local housing authorities was clearly for a reason, i.e to allow local authorities greater flexibility given their statutory duties. If those standards do apply, it would undermine the purpose of that exemption were local planning authorities to consider that those standards are relevant in any event.

The quality of this accommodation

Space standards

53. This accommodation is high quality: it would meet the highest grade in the StS Standards document not just in terms of space standards but in all other aspects of quality as set out in the STS Standards as explained by Mr Curtin. Quality in this context has to be judged in the context of the purpose of this accommodation: which is, after all, temporary short stay accommodation and not permanent C3 housing or homes. Mr Curtin also explained in his evidence the other aspects of why this accommodation in its configuration and additional provision would be good quality. This inspector will be able to see for himself the quality of one of the refurbished blocks.

54. Specifically, Mr Curtin explained how he had applied the STS Standards in terms of space standards. He explained that he had removed internal walls and bathrooms when calculating the floorspace of the rooms and in reaching the 10.2m2 figure for the single sleeping rooms with cooking facilities. If the bathroom spaces are included (and there is nothing in the STS Standards which says expressly they should be removed from the calculation) the rooms in question overall are close to 12m2, well in excess of the STS Standard of 10.2m^2.

Do the sleeping rooms set out in the floorspace plan constitute 10.2m2 and therefore meet the STS Standards?

55. Mr Smith's refusal to accept categorically that the STS space standards were met in terms of space (primarily on the basis that the floorspace plans allegedly showed less than 10.2m2 for a room with cooking facilities) was unreasonable. This is not least as (a) he failed to

provide his own measurements scaled off from those plans[26] and (b) Mr Smith's own written evidence stated that the floorspace plans were 10.3m2[27].

56. Mr Smith went as far as saying in cross examination that the proposal "*barely met"* the space standards. But his refusal to accept that they were in fact met – based on a frankly opportunistic attempt to allege that Mr Curtin's measurements were unclear - resulted in any unnecessary amount of inquiry time was spent on this issue.

57. If there was (or is) any remaining doubt over whether or not the floorspace plans show 10.2m2 internal floorspace for the rooms in question, a condition could be imposed requiring adherence to the STS Standards in terms of room sizes. But there is no such doubt.

58. Mr Curtin explained in his evidence in chief that (a) the measurement in the extracts of the floorspace plans in his proof on page 18 and 19 were "rounded down" to 10m from 10.2m2 and (b) that the "10m" in those plans referred to the net floor space (i.e without the bathrooms or internal walls). That was entirely consistent with the typical room plan on page 24 of his proof – which referred to 10.2m2. It is clear (from the coloured shading) that it is a net calculation. The additional plan at M1 includes the exact scaled off internal wall to wall

59. In short, Mr Curtin's explanation as to how he had rounded down the measurements in his plans in his proof on page 18 and 19 should have been the end of the matter. The floorspace plans are compliant with the STS Standards (and the LGA Guidance) as a matter of fact.

Location and accessibility

60. The site has good access to public transport and all the local services and facilities that a cohort of low income homeless people might need, as set out in Mr Lewis's evidence. It would clearly be suitable in terms of its location.

[26] See Appendix 4 Smith PoE.
[27] Smith PoE para. 10.7

61. Mr Lewis is an experienced transport planner and significant weight should be attached to his evidence, which set out:

a. The application of the 2km/30 minute maximum acceptable walking distance standard Charted Institute of Highways and Transportation Guidance ("CIHT Guidance"),[28] which was not challenged.
b. Applying that standard, the site benefits from "*excellent access*" to shops, services and leisure facilities.[29] Specifically in terms of shops, a number of convenience stores and supermarkets are within close proximity to the site. A Londis convenience store is only 150m from the site, and a co-op supermarket is only 750m. [30]
c. In terms of services, he explained how there is "*a wide range of community, educational, health and convenience services, ensuring that the day-to-day needs of the Mount Clare occupiers would be met within a short walk*".[31] The table at 2-2 shows the breadth of those local services all well within the 2km/30 min.
d. In terms of transport the site is within three minutes of a bus stop providing multiple access to Wandsworth and various other town centres, with regular frequencies.[32] Barnes station is less than 30 minutes away. All of this led him to conclude – rightly – that the site benefits from good access to public transport.[33]

62. Mr Lewis was asked in cross-examination about what needs he had assumed in terms of the future occupiers of the site. That line of questioning with respect went nowhere. His explanation was clear: he clearly had taken into account that the occupiers would have low incomes. That is also clear in his proof of evidence. He clearly had regard to the characteristics of this cohort that would use the accommodation and took into account their prime differentiating characteristic from other residents i.e that they were likely to have low incomes. It was for that reason he rightly excluded leisure facilities not appropriate to people on low incomes (such as private members sports clubs). The approach he took

[28] Lewis PoE, para. 2.5.1
[29] Parra 2.6.1
[30] See the Table 2.1 at page 9 of his Proof
[31] Para. 2.6.5
[32] See para. 2.7.3 and Table 2-4.
[33] Para. 3.6.1

was plainly right. He made precisely the distinction that the Council has failed to make namely that the appeal site would not accommodate "*high dependency residents*".[34]

63. His evidence on the distances of the various public transport and other services means not only that the location standards in the LGA Guidance would be met but also that they would be surpassed by a considerable margin.

64. In case of any doubt over the suitability of the site in locational terms, significant weight can and should also be placed on:

    a. The fact that the Council had bid for the site on the basis they wish to use it as TA in October 2023,[35]

    b. The fact that Mr Worth, as Director of Housing Services, had also clearly entertained the prospect of using the site for TA in his discussions with the Appellant between January and July 2024 before Council as local planning authority refused the application for temporary permission[36]. He had gone as far as discussing possible rates for the accommodation.

65. Mr Worth's attempt to distance himself from these uncomfortable truths were unconvincing:

    a. Mr Worth had been provided with the floorspace plans and so had sufficient detail to understand the site density and whether that would make any difference to the question of the suitability of the site in principle in locational term. Rather than identifying this as a "showstopper" he went on to discuss commercial terms with the Appellant (of course on a provisional basis).

    b. He said in his evidence the Council was considering the site for 80 family sized units. That would be for at least 160 – 240 people (assuming 2 or 3 people per unit). On any analysis that would be a large number of households to be introduced into this area and no reason to differentiate this proposal in locational terms.

    c. His suggestion in his evidence in chief that the offer made in 2023 was "not a serious offer" is simply untenable: the Council submitted a bid for just under £5m for this site. That was clearly serious – and rightly so, because the site was plainly

[34] See Proof para 2.12
[35] See Appendix 3
[36] Appendix 4

suitable in locational terms for precisely the same type of development as now proposed in this appeal.

Response to the Council's case on location and accessibility.

66. The Council's case regarding what it considered was poor accessibility of the site was wrong, if not wholly misconceived, for a number of further reasons and on a number of different levels. It is very surprising that the Council should ever have advanced this as a concern:

a. First, the Council expressly accepted in its Statement of Case that "*there are no transport grounds for refusing the application*". So it should be assumed that for a general residential occupier this site is suitable. The Council for the first time referred to Local Plan Policy LP50 in the evidence of Mr Smith at this inquiry. It had never previously asserted a breach of its general Transport and Development Local Plan Policy LP50 in either its Statement of Case or its Officer Report. No weight should be attached to its assertion that there would be any conflict with this policy and none was identified.
b. Second, the site is allocated site for "*mixed use development with residential uses*".[37] Suggesting that the site therefore not accessible to the future occupiers of the site – whom the Appellant has been clear all along is not designed for nor suitable for the vulnerable , but merely for those on low incomes – was inherently flawed.

67. Turning to the more granular points raised by Mr Smith and Mr Worth, it is clear that none of them could possibly justify a conclusion that the site is not suitable in locational terms for its future occupiers.

PTAL 4

68. The Council's case set much store on the fact that it is common ground that the site is not PTAL 4 (which is common ground in the local plan is the category for "good" access to public transport). Its reliance on PTAL 4 was plainly overstated:
    a. Even if policy LP31 applied, which it clearly does not, criteria B4 does not refer to public transport alone, it also refers to "*shops, services and leisure facilities*".

[37] Local Plan Policy RO2, para. 9.29

b. The site in fact in any event is PTAL 3, for the reasons explained by Mr Lewis (the PTAL mapping produced by TfL did not take into account another pedestrian route to the Clarence Lane bus stops).[38]

Access to services – the "weekly shop point"

69. There was also no basis to assert that there was a lack of access to any of the other services and no evidence was adduced in written evidence to substantiate such an assertion.

70. The Council's only basis to contest whether that the rest of this particular requirement was met was an assertion – made by Mr Smith – without any objective evidence to substantiate it, that the multiple local supermarkets and convenience referred to in his evidence – all within easy walking distance - are not suitable for low income households due to cost because they would not be suitable for a weekly shop. This was clutching at a very weak straw indeed. There was nothing to suggest this was the case, and in any event there are larger supermarkets - for example Asda, which Mr Lewis referred to - nearby and accessible via public transport.

Access to services – GP capacity

71. No breach of development plan policy based on lack of GP provision in the area was advanced in the Council's Statement of Case and no contribution was sought for improvement of NHS provision. If it were the case that the Council considered that there was inadequate GP provision, the Council could and should have adduced evidence in its original evidence. Its late submission of evidence about NHS capacity ratios[39] did nothing to advance the position, particularly given that it accepted that the relevant GP surgeries referred to by Mr Lewis in his evidence were all admitting patients notwithstanding those ratios being exceeded.[40]

The alleged high number of non Roehampton occupiers

72. The Council's case – or at least its Director of Housing Services' concern – appeared to be boil down to an underlying concern that due to the high number of occupiers, that some

[38] Lewis PoE para. 2.8.15
[39] M6
[40] See the website screenshots at M6

would inevitably not be from Roehampton itself, that this part of the Borough was "*relatively isolated*". That is no justification for concluding that the site is not locationally appropriate for its future occupiers on those grounds:

a. First, even if the site is relatively further away compared to other parts of the Borough in spatial terms, as Mr Lewis explained that is irrelevant as the key question is whether this particular site is accessible to local services and public transport (and not whether or not it is close to Wandsworth or other town centres).
b. Second, Mr Worth was not able to point to any guidance or statutory provision which indicated that one of the criteria for determining "suitability" for the purposes of the Housing Act was that the accommodation had to be near to the original home of the person who has become homeless. That was not surprising – and it does not appear anywhere as a criteria in any of the objective standards before this inquiry (either the STS standards or Annex 1 to the LGA Guidance.)

73. In short, the Council's case on accessibility is plainly untenable and should never have been advanced.

Density

74. The site would maximise the space available but that does not mean its density (i.e 193 units and 265 bedrooms) would cause any issues. The site can be managed through a management plan and the Council can agree those details. The configuration of the different blocks also provides flexibility in terms of management of occupiers and any challenging behaviour, as Ms Cooley explained.

75. Mr Worth's contention that the density of this proposal "frankly scares" him was entirely contrary to his position when discussing the proposal before the Council's planning department decided to refuse the temporary application. Very little weight should be placed on that remark – which only served to reduce the weight to be placed on his evidence overall – given that:

a. The Council itself submitted a bid for accommodation at this very site for 80 units for family households. Therefore in principle there was nothing problematic for a high density scheme in this location.
b. Mr Worth himself submitted some figures for what the Council would pay for the units, in full knowledge of the proposed floorspace plans, number of units, and

therefore its density, and in full knowledge of the site's location and accessibility to service.

c. He had considered that the hotel in Tooting Broadway (on Tooting High Street) would be suitable, despite it having an increased density than the Mount Clare Proposal. That proposal would be for a 186 unit scheme[41], to be occupied by small families, all to be provided in one building. Assuming – conservatively - 2 people per room that would mean that it would be occupied for well in excess of 265 people this scheme would accommodate (in a similar number of units but in several different buildings). Regardless as to whether the Tooting hotel has planning permission to be used as TA (and very oddly the Council seems to have been advised that no planning permission is required), significant weight can and should be attached to the approach the Council's own Housing Services took to the suitability of that particular building as TA despite – on any measure – its significantly greater density.

d. His concession that there was nothing particularly different to the Mount Clare Proposal in terms of management issues compared to other TA units.[42] He also agreed that overcoming any management concerns through the management plan "not impossible".

76. Mr Worth's position that this accommodation would not be suitable in truth boiled down to the concern on his part that future occupiers may not be "*content with it*". That is not the test that should be applied when sourcing temporary accommodation. The question is whether the accommodation is "suitable" viewed objectively, and he was not able to point to any other objective standard that indicates the accommodation would not be suitable either in terms of quality of the accommodation, the location of the accommodation, or its density.

77. Those standards, and their application to the appeal proposal, were all considered by Ms Cooley, a highly experienced practitioner with direct experience working with local housing authorities in London to provide TA. Her opinion, that "*the proposed development will deliver high quality temporary accommodation that will most exceed the quality of significant proportion of*

[41] See Appendix 8 to Sahota PoE, para. 16.
[42] XX Worth Day 3

temporary accommodation currently being offered across London" is one to which significant weight can and should be attributed.[43]

HERITAGE IMPACTS/CONSIDERATIONS

78. The starting point for consideration as to whether there would be any harm at all to the various heritage assets is the fact that the Council, when refusing temporary permission for the same development, considered – rightly – that there would be no heritage impact. It is irrelevant that this was only for a short duration – the impacts on setting now complained of by the Council would arise regardless of how long the use took place. It is no answer to say that the Council did not have before it details of the landscape scheme – it would have been obvious to the Council at the time that the introduction of this use even if only temporary would have led to the necessity for some form of ancillary operational development and the introduction of the sort of equipment that is now indicated in the landscape plan.

79. The cycle stands and play equipment are the only items of equipment that could possibly give rise to any risk of any heritage impact whatsoever. In terms of their amount, that was clearly set out in the first landscape plan[44]. The amount to 9 cycle stands, a cycle shelter (on top of a pre-existing one at Picasso House) and a few items of play equipment. The attempt at the last moment by the Council to assert that Policy LP19 on play space applies (despite the Council having all the detail before it when drafting its statement of case and not referring to any lack of open space provision) and therefore would or could result in even more play <u>equipment</u> was a highly contrived argument . It was completely wrong:

    a. It was asserted in Closing Submissions by the Council (at para. 8) that "the amount and type derives from LP 19" and that "*the Council made clear that this was an issue from its OR, on page 44 and in its Statement of Case at para. 5.51*.". That is simply wrong: the Statement of Case and OR made absolutely no reference to LP19. There is a fundamental distinction between the amount of play space as a general consideration, and a policy requirement to provide a certain amount.
    b. This point was particularly bad given that the <u>amount</u> of play equipment is fixed and determined by the landscape plan which this inquiry is being invited to

[43] Cooley PoE para. 6.11
[44] A22

approve as an application document.[45] The description of development after all includes in it landscaping and cycle parking. There is no condition proposed by the Council that would allow additional play equipment to be installed, and any such condition would be unreasonable given that this inquiry needs to be sure of the landscape impacts now (and so could not rationally impose any condition that may allow for more to be placed on site). It was put to Mr Smith several times that this inquiry therefore has sufficient information before it to be certain as to where the equipment and cycle stands would be placed, a point which Mr Smith finally conceded.[46].

c. LP19 clearly does not apply. It clearly is intended to refer to C3 housing. Mr Smith had not even looked at the GLA yield calculator, which Mr Sahota explained only applies to housing.

d. In any event the proposal clearly has a suitable amount of play area for the type of accommodation proposed. Mr Worth never raised the question of play space until his oral evidence – a sure sign that the Council as housing authority did not regard it as unsuitable as TA. There is ample play area within the site: Mr Sahota explained how much was available which was significantly in excess of what would be required according to LP19 (and was far greater relatively speaking to the amount available at Tooting). Mr Sahota also explained that the child yield in Tooting would be 186 children, meaning that the Tooting site should have 1860 sqm play space. But it only in fact has 668sqm – on a site described as being "flagship" by the Council's Director of Housing Services.

80. So regardless as to whether this issue is approached as a general suitability consideration, or even if LP19 applies and therefore as a policy requirement, there is more than enough space provided.

81. The contention that these 9 cycle stands (placed in three groups) and play equipment would cause any impact whatsoever on the settings of the listed buildings is clearly wrong.

82. Taking the heritage assets and their settings in turn:

[45] K23, revised on 22 December 2025 but consistent with the application plan A22 in terms of where the external cycle stands and play equipment would be positioned.
[46] XX Smith, Day 5 (PM session).

a. Mount Clare and its setting. It is clear that whilst it was originally part of a C.18th landscape, the setting has been significantly compromised since then by the introduction of the 1960s student blocks. The Conservation Appraisal states in terms that the immediate setting of Mount Clare is poor and that the 1960s building have been harmful to the setting of Mount Clare.[47] The CA Appraisal also notes that the view to Richmond Park is now largely blocked by trees.[48] The contribution the setting in front of Mount Clare towards Richmond Park makes to understanding the significance of Mount Clare is therefore limited. But insofar as the important features of that setting that still remain, i.e openness and grass lawns in front of Picasso House, the cycle stands and play equipment which is proposed as part of this scheme (via the landscape plan) would not affect that aspect of the surviving setting. Mr Rose confirmed that no views would be affected, there would be no intervisibility between the stands and Mount Clare House. In particular he confirmed that the important vista protected by Policy PM7 Requirement 9 would not be affected. The view is already obscured by the boundary hedge and trees in any event.

b. The Temple. The setting to the Temple has been severely compromised already by the introduction of a considerable amount of built form (including the Lodge). All this has served to sever any link between the Temple and Mount Clare. The introduction of the cycle stands would clearly have no effect on the setting of this asset.

c. The Registered Park and Garden. Again, there would be no impact on the special qualities of this Registered Park and Garden. Only 3 cycle stands would actually appear within it, and in the context of the significant amount of built form that is already present in this estate, the idea that they would have any impact on its special qualities is frankly absurd.

d. The Conservation Area. This shares some of the same qualities as the Registered Park and Garden. For the same reasons no impact would occur.

[47] I16, page 87
[48] Page 89

The Council's position

83. Taken as a whole the Council's position on heritage harm was inherently flawed. It did not require a heritage impact assessment nor had it asked for one when assessing the temporary permission.[49] It is hardly surprising therefore that the Appellant did not produce one for this application. When it received the Appellant's heritage impact assessment and alleged that harm would arise, that was premised on the rebuilding of the Lodge (which was wrong) and a misunderstanding of the status of the Lodge and its recognition in the Conservation Area Appraisal as a positive contributor.[50]

84. Mr Seller's proof of evidence was only amended at the very last moment (a few days before the stary of the inquiry) to (a) remove reference to the re-building of the Lodge, an asset that he has failed to note in his evidence was ascribed positive value in the CA Appraisal and the rebuilding of which had clearly been a significant factor which led to his original conclusion of less than substantial harm (b) reference to the increase in activity eg lighting by the introduction of the baseline use. The Council however clearly failed to review its case on heritage harm despite those concessions – made extremely late in the day. It was only in cross-examination that Mr Sellers revised it downwards variously to "very low" or "very, very low".

Heritage enhancements

85. Even if there were negligible harm to those settings by the cycle stands and play equipment, there are considerable enhancements proposed to the setting which can and should be taken into account in the assessment of net harm, which were identified by Mr Rose (and the approach in principle to this net approach to harm was accepted by Mr Sellers). It is clear that no harm would result.

86. They also constitute multiple enhancements that meet the local plan policy test of "preserve and enhance" in Policy D3 and HC1 of the Local Plan and PM7. Those enhancements are as follows:

[49] See Rose PoE, Appendix 3

[50] See CA, I13, page 87, first para and the reference to the principal's house built in a modernist style which…reflects the CA's characteristic diversity

a. The introduction of landscape management to the open grassed area in front of Picasso House. The trees and lawns will now be tended to, specifically improving the specific quality of this area and the contribution it can make to Mount Clare House.
b. The management and tidying up of the overgrown area around the Temple.
c. The introduction of more passive surveillance through increased activity on the Site, preventing vandalism.
d. The refurbishment to the Lodge when it is brought back into use will result in a benefit as the Lodge is a positive contributor to the CA. It will also increase in visual amenity to an area that is currently isolated and forgotten about.
e. The provision of the scheme ongoing management and maintenance of the listed buildings via Condition 35. Even if there is a statutory duty to repair these listed buildings, a proactive management plan is of much greater benefit than the Council merely relying on its statutory powers under the Planning and Listed Building Act.

87. These are benefits which are significant, particularly when viewed against the prospect of the continuing dilapidation of the buildings in the setting of Mount Clare and the resultant visual clutter that would result from temporary hoardings and protective barriers to keep the site secure from trespassers.

88. Mr Sellers written evidence referred in several places to what he saw as "*missed opportunities*" for the Site, but he accepted that this inquiry can only consider the scheme before it and there were no other proposals for this site that could be considered. He accepted that there were enhancements to the setting, yet the Council's planning witness stated that there were none (even though he had not actually been into the site but only viewed it from the street)[51]. Clearly, greater weight should be attached to the evidence of Mr Sellers as the Council's own heritage expert.

Heritage balance and compliance with planning policy relating to heritage

89. It is common ground that London Plan Policy D3 and Local Plan Policy HC1 go further than the NPPF and statute in imposing an additional policy requirement to enhance the

[51] XX Smith, Day 5

assets. For the reasons set out above the assets would be preserved and enhanced and there would be full compliance with these policies.

90. However, if there were a finding of less than substantial harm, it would clearly be outweighed by the benefits of the scheme (for reasons set out below under the overall balance). It is recognised that in those circumstances it would logically follow there would be a breach of London Plan policy D3 and HC1. But any such breach – given the harm on any analysis would be at the lowest end of the scale - would be significantly outweighed by the benefits of this scheme and certainly would not justify a finding of conflict with the development plan as a whole.

SITE ALLOCATION POLICY RO2

(1) Consistency with the allocated uses

91. The site is allocated for "*mixed use development with residential uses*" (para. 9.29)

92. The correct question is whether or not this scheme is consistent with that allocation, not whether or not it meets the allocation in full.

93. It is clear that the proposal is consistent with the allocated uses. The Council has rightly accepted that the scheme for TA is for a form of residential use. There is nothing to preclude a mixed use coming forward at Mount Clare House in due course.

94. The Council's case appears to be that the proposal does not provide a mix of uses now. This is premised on a reading of RO2 to the effect that any proposal has to cover the entirety of the allocation. That is plainly wrong: there is no such requirement (express or implied).

95. Setting aside the fact that as far as the Appellant is concerned there are extant uses taking place in Picasso House, the question in terms of compliance with the RO2 allocation in principle is whether or not this proposal precludes any further uses coming forward. It is plain that it does not: Mount Clare House has expressly been excluded and no new use has been proposed. This application does not "sterilise" any use of it and there is nothing to stop its current use continuing or a new use being introduced.

(2) Development considerations

96. Policy RO2 sets out a series of development considerations. These are not mandatory requirements but rather are factors that the decision maker is asked by the policy to take into account. Significantly, there is no requirement for the 1960s buildings to be replaced. That is clear from paragraph 9.32 and its reference to "*any replacement of the 1960s*" (underlining added).

The future role of the Doric Temple

97. In terms of those considerations, paragraph 9.30 states that any proposals "*must consider*" the future of the Doric Temple and provide a scheme for its long-term maintenance. All that indicates is that the planning decision maker should consider whether or not a such a role has been found and should take into account whether such a scheme has been provided.

98. The Appellant has considered that future role and in due course a role for the Temple may be found but as things stand no future role has been ascertained and the Temple will continue in its current ornamental role. A scheme for its long-term management and maintenance is to be provided through the agreed condition. So this aspect of the policy is complied with. But even if it were to be considered that there is a technical breach of this particular aspect of the policy, if this development is implemented such a scheme will be provided pursuant to draft Condition 35. No weight at all should therefore be placed on the lack of such a scheme at this stage, and it would not justify any finding of non-compliance with RO2 as a whole.

99. The only other "consideration" that is said to be infringed is the one at paragraph 9.34 which states that "Redevelopment should consider reinstating the pond in front of the Temple to improve the biodiversity value of the site". There is no need to reinstate the Pond, particularly as no operational redevelopment is proposed. It would also involve demolishing the Lodge which is recognised by the CA Appraisal to be as a positive contributor in heritage terms.

100. In summary, the proposal entirely accords with site allocation Policy RO2.

OTHER DEVELOPMENT PLAN POLICIES (INCLUDING OPTIMISATION)

The vision of the Area Strategy

101. The delivery of a residential use on this site through this scheme is entirely in accordance with the "Vision" for the regeneration of Roehampton and Alton West set out in the introductory text to the area strategy.

102. That vision is clearly intended to be implemented through the site allocation policies, including RO2. Therefore compliance with that policy necessarily means that a proposal would contribute to the "vision" in the area strategy.

103. Mr Smith was plainly wrong to suggest that the proposal would undermine the adopted vision or would "*fail to rise to the ambition of the vision*" [52] insofar as this implies that he considered there were additional aspects of that vision not captured by compliance RO2. Any suggestion that the scheme would not comply with the "*vision*" for the regeneration of the Alton West Estate, even if it complies with RO2, would be directly contrary to what he set out where he stated (at paragraph 9.5) that "*in order to deliver the vision set out at Policy PM7, the Local Plan allocates three development sites*" including Policy RO2.

104. It still remains very unclear having heard the evidence of Mr Smith how or in what further way the Council thinks the vision would not be met, over and above its contentions about RO2:

a. Reference was made in the written evidence of Mr Smith to the vision's mention of "*mixed communities*" (although that is not repeated in Section 12 dealing with that issue). It is correct that the "vision" refers to a mixed and inclusive community – that is the community as a whole in the Alton West area. Bringing forward this proposal will clearly add to that mixed and inclusive community as a whole. Conversely, there is no reason why merely the fact that the occupants are likely to be on low incomes in itself does not mean they cannot contribute to a mixed and inclusive community (for the reasons I will address further below in relation to LP24).

b. Some reference was also made in both the proofs of Mr Smith and Mr Worth to the lack of "regeneration": see for example Mr Smith's PoE: "*the scheme is not for the*

[52] PoE paragraph 8

regeneration of the site at all, but for the re-use of some of the existing buildings".[53] There is no reason in principle why regeneration cannot be delivered by re-use of buildings rather than demolition and re-building, particularly given the encouragement to do so in the NPPF at para. 161 .

105. In short, if this scheme complies with Policy RO2, and if this scheme does conserve and enhance the heritage assets in question, it clearly complies with the vision in the Area Strategy.

Policy PM7

Placemaking principles (Section A)

106. Turning to the actual principles set out in policy at PM7, those have to be read in the context of the other two allocation policies RO1 and RO3. The proposal complies with all the applicable place-making principles at Section A. The two most directly relevant to this proposal are (1) and (5).

107. Principle 1 states that development proposals should "*conserve and enhance existing heritage assets and their settings and respond sensitively to the special character and qualities of the area. Development should maintain and enhance the parkland setting of the Alton Estate*". This principle is met, for the reasons set out by Mr Rose and discussed above.

108. Principle 5 states that "development proposals will be required to respect and enhance the valued views and vistas" established by Map 9.1. The proposals would do so as Mr Rose explained in his evidence: the play equipment would be placed in a way that does not interrupt the key view into the site towards Mount Clare. The view (such as exists) would be enhanced by improvements to the setting to the front of Mount Clare.

The inclusive growth principles (Section B)and People First principles (Section C)

109. The only actual principle set out in PM7 which was referred to in Mr Smith's proof was principle B5.[54] For the first time in his oral evidence Mr Smith refers to a number of other principles and above which he said would be breached in PM7 which he suggested were

[53] PoE paragraph 9.6
[54] PoE para 9.5

additional requirements which would need to be satisfied even if RO2 were met. He was clearly wrong about the application of several of those principles to this proposal, as Mr Sahota explained. They never formed part of the Council's case and Mr Smith's attempt to raise several of them was misguided and showed a lack of understanding about the Area Strategy and the role the site allocations played in them. Taking them in turn:

a. Principle B3 – job and training opportunities. These will be provided on site, through the provision of on-site supervision and management.
b. Principle B5 – this proposal will improve the quality of existing building stock, and public realm and open spaces for all the reasons set out in the heritage evidence of Mr Rose.
c. Principle C2 would be met: the proposal, by preserving and enhancing the heritage assets does reflect the heritage and special character of the area.
d. Principle C8 refers to community spaces through the regeneration of the Alton Estate, i.e the estate as a whole. It does not require this particular site allocation to deliver community spaces. As Mr Sahota explained, those spaces are envisaged to be delivered under RO1 which expressly refers to the opportunity to provide a cultural anchor space as part of a new civic focus: see page 214.

Policy D3 of the London Plan (optimising site capacity)

110. The proposal, for all the reasons set out by Mr Sahota, is the most appropriate form and land use for the site. It makes the best use of land, by re-using existing buildings – as expressly encouraged by Local Plan Policy LP10(A5) which specifically states that development proposals should "retain existing buildings and their embodied carbon in renewal and regeneration projects where this is a viable option". It introduces a use that complies with the site allocation and with all other development plan policies.

111. In particular, and for the avoidance of doubt, here is no requirement for C3 housing uses to be delivered on this site and no reference to it being used for housing (in contrast to RO1 which expressly refers to housing). Mr Smith's assertion in his written evidence that the site allocation policy is clear that the site allocation should contribute towards delivering 847 new homes in the regeneration area is simply wrong[55]: it does not state that.

[55] PoE Para. 9.16

Local Plan Policy LP24 and London Plan Policy GG4

112. LP24 was referred to by Mr Smith in his evidence[56] but clearly only applies to Use Class C3 and C4 (see para. 17.22) and therefore is not applicable to this proposal. In any event, there would not be an overconcentration of a single size of units – this proposal has a range of size of units (the ratios and proportions were set out by Mr Curtin in his evidence), so the purpose behind this policy (to ensure a mixed and inclusive community through a range of size of homes) is met in any event. There would be a range of different unit sizes, broadly mirroring the mixed demographic of households in need of TA as set out in the demographic data of both Mr Worth and Ms Cooley. For the same reason London Plan Policy GG4 is also met. The suggestion that merely because people would occupy this site have low incomes means that it would imbalance the community in some way is simply wrong. There would be a range of different households at the site, and there is no reason why their level of income would in some way "imbalance" the community as a whole.

PLANNING BALANCE (INCLUDING HERITAGE)

The Heritage Balance

113. The heritage balance would fall clearly in favour of granting permission (without prejudice to the Appellant's position that no harm would be caused to the heritage assets and so the balance would not need to be applied).

114. The NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a heritage assert, this harm should be weighed against the public benefits of the proposal.

115. In relation to Mount Clare, the Temple and the Registered Park and Garden Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This creates a statutory presumption in favour of preservation and considerable importance and weight is attributed to the less than substantial harm.

[56] PoE Parra. 12.2

116. For the Conservation Area, the Framework places great weight on it on its conservation.

117. The extent and scale of the public benefits, especially the re-use of existing buildings and the delivery of much needed temporary accommodation in particular, would clearly be overriding, even if any harm were to be identified.

Overall balance

118. In terms of the balance under section 38(6) PCPA 2004, for the reasons set out above, the scheme fully accords with the development plan taken as a whole. For the avoidance of doubt, even if there are minor harms or technical breaches of some aspects of individual policies (and no such harms or breaches have been substantiated by the local planning authority) for the reasons set out in Mr Sahota's proof of evidence the proposal would deliver a significant number of benefits, to which taken together significant weight should be attached, and which together would clearly outweigh any non-compliance with the development plan.

119. Those benefits are set out in Mr Sahota's proof of evidence at paragraph 6.117 but include the following:

    a. First and foremost the delivery of 193 units (providing 265 bedrooms) to meet the acute need for temporary accommodation in the Borough, with the attendant benefits of enabling the Council to reduce its expenditure on costly nightly paid accommodation.[57] The annual overspend on homeless accommodation in this Borough alone in 2024/2025 was £5.3m[58]. It is ultimately a matter for this inquiry as to what weight should be attached to this benefit, but it is common ground between Mr Sahota and Mr Smith that – subject to suitability – substantial weight should be attached to the provision which helps to address that need.[59]

    b. There would also be a benefit to other boroughs in need of out of borough placements, even if this borough decides not to use it. That need again, and contrary to the implication of the line of questioning directed to Mr Sahota, is clear from Ms Cooley's evidence. Whilst it is correct that her written evidence is focussed on "*in borough*" need, she also explained that London was at the epicentre

[57]

[58] LB Borough Wandsworth, HOSC Board Paper, page 49 (Cooley, PoE, Appendix 4)

[59] Smith XX, Day 5

of the crisis that has resulted in record number of households living in temporary accommodation.[60] The Council's own Housing Overview and Scrutiny Committee meeting on 27 November 2025[61] also recorded that 33 London Boroughs had 74,720 TA or 55% of the total. The number of household in TA in other boroughs s set out on page 40 of that paper. Critically, she also explained in her evidence in chief that she was aware of interest from other boroughs in this particular proposal, and in any event was clear that in her view that it was likely that other boroughs would use this accommodation for out of borough placements. Based on the statistics in the Council's own board paper (for example Merton placed 44 households in B & B accommodation), that was an entirely reasonable conclusion to reach.

c. The scheme would provide positive maintenance and management for the listing buildings and their settings, not just preserving them but enhancing them, for all the reasons explained by Mr Rose.
d. The scheme would also re-use existing buildings, fulfilling the purpose of the NPPF at paragraph 161.
e. The site would be brought back into active use, and provide improved passive surveillance and therefore reduce anti-social behaviour.
f. The landscape, which will otherwise continue to deteriorate, would be actively managed and improved, a benefit in its own right.

120. In summary, this is an excellent scheme, on a site clearly found suitable by the Council for precisely the same use now proposed and which the Council itself sought to acquire. The Council's reasons for refusal have not been substantiated and underlying them all has been a fundamental misapprehension about the nature and type of accommodation to be proposed and therefore the policy framework that should be applied. It is extraordinary and deeply regrettable that in the current housing crisis, when this London Borough is overspending by millions its homeless budget, and with thousands in need of precisely this kind of high quality accommodation, that the Council should have invested so much of its financial resources resisting this scheme. Permission for this use should have been granted back in 2024 and should have been granted again this year for this scheme.

[60] PoE para. 7;
[61] Cooley PoE, Appendix 4

121. For all of the above reasons the appeal should be allowed and permission should be granted for this scheme.

JAMES NEILL

Landmark Chambers

3 February 2026