APPENDICES

1. CORRESPONDENCE WITH LB WANDSWORTH

From: Joney Ramirez <[redacted]>
Sent: 15 April 2025 09:30
To: Mandip Sahota <ms@ntaplanning.co.uk>; Julie Papouskova <jp@ntaplanning.co.uk>
Cc: Siri Thafvelin <Siri.Thafvelin@RichmondandWandsworth.gov.uk>
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Mandip,

I'm checking with my business support team as they are the only ones who can check and update fees in our system. Once this is actioned I'll be able to issue the validation letter, backdated to when the fee was received. I'll keep you updated.

Kind regards,

Joney

From: Mandip Sahota
Sent: Tuesday, April 15, 2025 8:04 AM
To: Joney Ramirez; Julie Papouskova
Cc: Siri Thafvelin
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Good morning, Joney

Can you confirm that the application was validated? Can you issue a validation letter? I do not believe that we have received one since the additional application fee was paid.

Many thanks

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Mandip Sahota
Sent: 07 April 2025 11:12
To: Joney Ramirez <[redacted]>; Julie Papouskova <[redacted]>
Cc: Siri Thafvelin <[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Good morning, Joney,

I confirm that the top-up fee has been paid this morning.

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Joney Ramirez <[redacted]>
Sent: 04 April 2025 10:23
To: Mandip Sahota <[redacted]>; Julie Papouskova <[redacted]>
Cc: Siri Thafvelin <[redacted]>
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Good morning Mandip,

You can pay via the following link, please include reference 2025/0074 so our admin team can match the payment to this application.

Make a pre-application advice or planning payment - Wandsworth Borough Council

Kind regards,

Joney

From: Mandip Sahota
Sent: Friday, April 04, 2025 7:34 AM
To: Joney Ramirez; Julie Papouskova
Cc: Siri Thafvelin
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Good morning, Joney

Can you advise how we go about paying the top-up fee? Is there a link that you can provide?

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Joney Ramirez <[redacted]
Sent: 03 April 2025 12:48
To: Mandip Sahota <[redacted]>; Julie Papouskova <[redacted]>
Cc: Siri Thafvelin <[redacted]>
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Good afternoon Mandip,

I'm in the process of validating the application however I've noticed that the fee paid corresponds solely to a change of use which is incorrect in this case, as operational development in the form of landscaping and cycle parking is being proposed. As such, the fee should be based on the site area.

Would you be so kind to review based on the site area as necessary and pay the correct fee please?

Kind regards

Joney

From: Mandip Sahota
Sent: Wednesday, April 02, 2025 10:45 AM
To: Joney Ramirez; Julie Papouskova
Cc: Siri Thafvelin
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Good morning, Joney,

I confirm that the applicant is agreeable to the description proposed.

I note your other comments, however the applicant would like to proceed.

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

From: Joney Ramirez <[redacted]**>**
Sent: 02 April 2025 09:52
To: Mandip Sahota <[redacted]**>; Julie Papouskova <**[redacted]**>**
Cc: Siri Thafvelin <[redacted]**>**
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Mandip,

The PPG is clear (Paragraph: 046 Reference ID: 14-046-20140306) that the local planning authority should be satisfied that the description of development provided by the applicant is accurate before publicising an application however this on itself is no reason for invalidation.

You have provided all information for the application to be valid and as such, I'll proceed with consultation shortly. The description of development would be: *"Use as hostel accommodation (Sui generis) with associated landscaping and cycle parking".* Can you confirm you agree to this description?

However I must emphasise that at this stage, the Council is not satisfied that the description of development is accurate as it is not clear if the assessment will need to be made on the basis of a change of use and operational development or solely for operational development. This could significantly delay the assessment of the application, result in abortive work and repeated consultation.

In our view, the appropriate approach would have been to wait until the current appeal is determined to a have a definite stance regarding the use of the site however, it is down to you and the applicant to decide your best way forward. You will receive the validation letter via email this week.

Kind regards,

Joney

From: Mandip Sahota
Sent: Tuesday, April 01, 2025 3:59 PM
To: Joney Ramirez; Julie Papouskova
Cc: Siri Thafvelin
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Joney,

There are external alterations involving provision of cycle stands.

Given that the parties are at a disagreement regarding the change of use position, and that no root permission can be sourced by either party, we remain of the view that the description should simply be for the 'use as hostel accommodation, with associated landscaping'.

I think that if this description cannot be agreed, and if we have reached an impasse, then it may best to proceed with appeal against non-validation.

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

From: Joney Ramirez <[redacted]>
Sent: 28 March 2025 15:52
To: Mandip Sahota <[redacted]>; Julie Papouskova <[redacted]>
Cc: Siri Thafvelin <[redacted]>
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Mandip,

Our understanding is that there would be no external alterations, could you please clarify? The description also misses the proposed landscaping as such this proposed description cannot be agreed.

As mentioned in my email to Julie, we are of the view that it is important the description clearly identifies what type of development is being applied for. Is it operational development or change or use? Is it both?

We propose the following description:

Change of use to Hostel Accommodation (sui generis) with associated landscaping

Can you let me know if the above wording can be agreed?

Kind regards,

Joney

From: Mandip Sahota
Sent: Thursday, March 20, 2025 5:29 PM
To: Joney Ramirez; Julie Papouskova
Cc: Siri Thafvelin
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Joney,

Replying for Julie as she is on leave today.

The applicant has suggested the following alternative wording.

Internal and external alterations to allow the buildings to be used as Hostel Accommodation (non tourist)

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

From: Joney Ramirez <[redacted]**>**
Sent: 19 March 2025 10:30
To: Julie Papouskova <[redacted]**>**
Cc: Mandip Sahota <[redacted]**>; Siri Thafvelin <**[redacted]
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Julie,

Noted regarding the information for reason for invalidation 1. Please note that we would need to receive this information by 24/03.

Regarding the description of development, the main issue here is that from the documentation and application form submitted with the application, it is not clear what the proposed development is, as set out under Section 55 of the TCPA.

I had a look at the applications you quoted in your previous email. All of these clearly identify in their application forms and supporting materials that their proposals relate to a change of use.

Your application form only states *"use of existing buildings for temporary accommodation with associated landscaping"*. Can the application form be updated so it identifies which type of development you are applying for please? I recommend the description to be updated to "*Change of use of existing buildings for temporary accommodation with associated landscaping*".

However, if the argument is that there is no change of use and there is no operational development, then a Lawful Development Certificate is the appropriate process.

I look forward to hearing from you.

Kind regards

Joney

From: Julie Papouskova <[redacted]>
Sent: 18 March 2025 3:50 PM
To: Joney Ramirez <[redacted]>
Cc: Mandip Sahota <[redacted]>; Siri Thafvelin <[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Joney,

With reasons 2. and 3. for invalidation having been addressed, the information required for reason 1. is currently being finalised and we are looking to issue this as soon as possible.

In respect of the description of development, we note the following comments from Siri's email (dated 12th February):

"However before we finalise the registration of the application and start the consultation, I wanted to confirm the description of the proposal. In the section of the application form that sets out the description of the proposal, the "proposed development or works including any change of use" is described as: Use of existing buildings for temporary accommodation with associated landscaping.

However this does not make it clear what the development comprises in terms of the definition set out in section 55 of the Town and Country Planning Act 1990.

Can you please provide additional clarification regarding the nature of the proposed development? Based on the submitted documents and familiarity with the site, I suggest the following description, please confirm if this is acceptable and we will start the consultation process: Change of use of existing buildings from student accommodation and associated uses (sui generis) to temporary accommodation (sui generis) with associated landscaping."

We do <u>not</u> wish to use the suggested amended description of development. Having regard to the Council's online planning register, we note a number of recent and valid applications which refer to the "use of" premises:

- **2025/0333 – Use of the roof top unit for Class E(g)(i) office.**
- **2024/3155 – Use of the ground floor unit as a pet day care and grooming centre.**
- **2023/3860 – Use of existing dwellinghouse as a childrens home.**

As such, <u>we do not agree with Siri's comments</u> that our proposed description of development *(Use of existing buildings for temporary accommodation with associated landscaping)* does not make it clear what the development comprises in terms of the definition set out in Section 55 of the Town and Country Planning Act 1990.

As such, we wish for the application to be made valid under the description of development provided upon submission *(Use of existing buildings for temporary accommodation with associated landscaping).*

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

From: Joney Ramirez <[redacted]**>**
Sent: Tuesday, March 18, 2025 2:33 PM
To: Julie Papouskova <[redacted]**>**
Cc: Mandip Sahota <[redacted]**>**
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Julie,

Would you be so kind to provide an update on this invalid application? Given the amount of time this has been invalid, we would need to receive the outstanding information by 24/03/25.

Kind regards

Joney

From: Julie Papouskova <[redacted]**>**
Sent: 27 February 2025 5:30 PM
To: Joney Ramirez <[redacted]**>**
Cc: Mandip Sahota <[redacted]**>**
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

HI Joney,

I can confirm that the amended drawings addressing comment no. 3 (Inaccuracy on plans) have been uploaded onto the sharepoint folder.

An amended landscaping plan clearly identifying the existing and the proposed landscape elements has also been uploaded onto the folder, to address comment no. 2 (Insufficient detail on plans).

We will come back to you on the outstanding matters in due course.

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

From: Joney Ramirez <[redacted]>
Sent: Thursday, February 27, 2025 5:13 PM
To: Julie Papouskova [redacted]>
Subject: Re: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Julie,

Unfortunately, we are not able to access WeTransfer links. Would you be so kind to upload the documents in the following sharepoint folder?

Mount Clare

Many thanks

Joney

From: Julie Papouskova <[redacted]>
Sent: 27 February 2025 4:30 PM
To: Joney Ramirez <[redacted]>
Cc: Mandip Sahota <[redacted]>; Siri Thafvelin <[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Joney,

Thank you for reviewing the information submitted and coming back to us with the below comments.

In respect of no. 3 (Inaccuracy on plans) - these have been reviewed and amended accordingly. We submit these using the following WeTransfer link: https://we.tl/t-zX2N5DXcMF

We will come back to you on the remaining outstanding points in due course.

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

From: Joney Ramirez <[redacted]>
Sent: Friday, February 14, 2025 4:52 PM
To: Julie Papouskova <[redacted]>
Cc: Mandip Sahota <[redacted]>; Siri Thafvelin <[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Dear Julie,

Following Siri's email, I have reviewed the information submitted with the application and as it stands, the application is currently invalid for the following reasons:

1. **Biodiversity Net Gain (BNG) calculations: an Ecological Report has been submitted however BNG calculations based on the statutory biodiversity metric tool have not been provided. It is put forward that the development is exempt from BNG as it is *de minimis* but evidence to support this has not been submitted. Noting that the proposals include landscaping, BNG calculations are required for this major application.**
2. **Insufficient detail on plans: the submitted Landscape Plan (ref.0101 Rev. P02) does not provide clear difference between the existing and the proposed landscape elements.**
3. **Inaccuracy on plans: the submitted 'Existing first floor plan' for each of the residences do not show a window on the bottom right corner, which is shown on the proposed plans. Can this plan be reviewed to ensure this window on each block, if existing, is shown on the plans?**

In addition to the invalidation reasons above, a review of the Planning Statement shows that the proposal relates to the use of Picasso House, Blocks A -E and the Bungalow for temporary accommodation. Can we agree to the updated description of development as recommended by Siri on her email of 12/02/25?

There also appears to be a lack of justification regarding the loss of student accommodation as required by Policy LP28(b) as no evidence has been provided that existing student accommodation *"no longer caters for current or future needs"*. Can this evidence be provided for the adequate assessment of the application?

Finally, we note that the current LDC appeal has been supported by a noise professional opinion note. Would you be submitting a Noise report or additional note with this current application?

I look forward to hearing from you.

Kind regards,

Joney

Joney Ramirez MRTPI
Principal Planning Officer | Strategic Development Team
London Borough of Wandsworth
[redacted]

From: Siri Thafvelin <[redacted]**>**
Sent: 12 February 2025 15:33
To: Julie Papouskova <[redacted]**>**
Cc: Mandip Sahota <[redacted]**>; Joney Ramirez <**[redacted]**>**
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Julie,

Apologies again for the delay. The application was reallocated to a new starter who joined us at the beginning of the week (copied in). We wanted the letters to go out in her name, as she will otherwise not receive the consultation responses, any neighbour representations, etc. but needed her to be fully set up on the system before that could happen.

However before we finalise the registration of the application and start the consultation, I wanted to confirm the description of the proposal. In the section of the application form that sets out the description of the proposal, the "proposed development or works including any change of use" is described as: *Use of existing buildings for temporary accommodation with associated landscaping.*
However this does not make it clear what the development comprises in terms of the definition set out in section 55 of the Town and Country Planning Act 1990.

Can you please provide additional clarification regarding the nature of the proposed development?

Based on the submitted documents and familiarity with the site, I suggest the following description, please confirm if this is acceptable and we will start the consultation process: *Change of use of existing buildings from student accommodation and associated uses (sui generis) to temporary accommodation (sui generis) with associated landscaping.*

I hope this is clear but do not hesitate to contact me or Joney if you have any questions.

Kind regards,

Siri Thafvelin
Principal Planning Officer | Strategic Development Team
Serving Richmond and Wandsworth Councils
Tel. No: (020) 8871 6899
planning@wandsworth.gov.uk
www.wandsworth.gov.uk

From: Julie Papouskova <[redacted]
Sent: 12 February 2025 13:34
To: Siri Thafvelin <[redacted]>; Planning Applications <Wandsworthplanningapplications@richmondandwandsworth.gov.uk>
Cc: Mandip Sahota <[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Good Afternoon Siri,

It has now been a month since planning application ref. PP-13614565 was received.

Please provide an update at the earliest opportunity, as we are being left with no choice but to pursue proceedings to appeal against non-validation.

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]
www.ntaplanning.co.uk

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Registered office: 46 James Street, London W1U 1EZ

From: Siri Thafvelin <[redacted]
Sent: Tuesday, February 4, 2025 10:23 AM
To: Julie Papouskova [redacted]>; Planning Applications <Wandsworthplanningapplications@richmondandwandsworth.gov.uk>
Cc: Mandip Sahota <[redacted]
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Official

Hi Julie,

Thank you for your emails and apologies for the delay in response. We will finish reviewing the submitted suite of documents and let you know if anything more is needed to complete the registration of the application.

Kind regards,

Siri Thafvelin
Principal Planning Officer | Strategic Development Team
Serving Richmond and Wandsworth Councils
Tel. No: (020) 8871 6899
planning@wandsworth.gov.uk
www.wandsworth.gov.uk

From: Julie Papouskova [redacted]>
Sent: 04 February 2025 09:41
To: Planning Applications <Wandsworthplanningapplications@richmondandwandsworth.gov.uk>
Cc: Siri Thafvelin <[redacted]k>; Mandip Sahota

<[redacted]>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation

Good Morning,

Can you please provide an update on the validation of planning application ref. PP-13614565?

The application was received on the 11th of January, and we are yet to have a response from you, despite numerous requests for an update.

As previously mentioned, we will begin proceedings to appeal against non-validation, should we not hear from you this week.

We would appreciate if you could please provide an update as soon as possible.

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]
www.ntaplanning.co.uk

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Julie Papouskova
Sent: Thursday, January 30, 2025 11:55 AM
To: planning@wandsworth.gov.uk
Subject: RE: PP-13614565 - Mount Clare Campus - Validation
Importance: High

Good Afternoon,

We are yet to receive a response from you in regard to validation of planning application ref. PP-13614565, which was received on the 11th of January.

Should we not hear from you within a week, we will being proceedings to appeal against non-validation.

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

www.ntaplanning.co.uk

NTA PLANNING LLP is a limited liability partnership registered in England and Wales.
Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Julie Papouskova
Sent: Tuesday, January 28, 2025 11:05 AM
To: 'planning@wandsworth.gov.uk' <planning@wandsworth.gov.uk>
Subject: RE: PP-13614565 - Mount Clare Campus - Validation
Importance: High

Good Morning,

Further to my previous email, can you please provide an update on the validation of full planning application ref. PP-13614565?

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

www.ntaplanning.co.uk

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

From: Julie Papouskova
Sent: Friday, January 24, 2025 10:09 AM
To: planning@wandsworth.gov.uk
Subject: PP-13614565 - Mount Clare Campus - Validation
Importance: High

Good Morning

Can you please provide an update on the validation of full planning application ref. PP-13614565?

Kind regards,

JULIE PAPOUSKOVA
PLANNER

NTA PLANNING LLP
TOWN PLANNING CONSULTANTS

[redacted]

www.ntaplanning.co.uk

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Registered number OC438813.
Registered office: 46 James Street, London W1U 1EZ

2. VALIDATION LETTER DATED 23 APRIL 2025 (REF: 2025/0074)

Official

Wandsworth Council
Chief Executive Directorate
The Town Hall Wandsworth High Street
London SW18 2PU

Please ask for/reply to: Joney Ramirez
Telephone: 020 8871 6000
Direct Line: 02088718284
Email:
Joney.Ramirez@richmondandwandsworth.gov.uk
www.wandsworth.gov.uk

NTA Planning LLP

46 James Street

London

W1U 1EZ

Our ref: 2025/0074
Date: 23 April 2025

Dear Sir/Madam

Town and Country Planning Act 1990

LOCATION: Mount Clare Campus Minstead Gardens Roehampton Gate SW15 4EE

PROPOSAL: Use as hostel accommodation (Sui generis) with associated landscaping and cycle parking

DATE RECEIVED: 10 January 2025 **FEE PAID:** £2,578.00

I can confirm that this application complies with the relevant requirements and can be considered by the Council.

Please check the details of the location and above development description to make sure they are correct. Unless you advise otherwise this will be the agreed description.

The planner dealing with your application is Joney Ramirez. We will deal with your application as quickly as possible allowing for any necessary consultation. If the application needs to be reported to the Committee this could lengthen the time taken, however this may not be clear until we have undertaken a detailed assessment of the proposal.

Director of Place: Paul Moore

Wandsworth Council

Official

Irrespective of this, if by 08 July 2025 you have not been given a decision in writing; or you have not agreed in writing to extend the period in which the decision may be given, then you can appeal to the Planning Inspectorate under Sections 36 and 37 of the Town and Country Planning Act 1990. You must appeal within twelve weeks and you must use the appropriate forms which can be obtained from the Planning Inspectorate at 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from https://www.gov.uk/planning-inspectorate.

If you have any queries regarding this or you wish to know more about progress on the application please contact the planner dealing with your application by email: (Joney.Ramirez@richmondandwandsworth.gov.uk) or on the above telephone number.

The Mayor of London and Wandsworth Council have introduced a Community Infrastructure Levy (CIL) Charging Schedule. With limited exceptions CIL will be payable on liable developments granted planning permission by the Council from 1 April 2012 that involve new floorspace of 100m2 or more, or that comprise a dwelling. If the Council determines the application to be CIL liable it is important that the requirements of the CIL Regulations are followed to ensure that surcharges are avoided and any relief claims are not invalidated.

Details of the Mayoral CIL can be viewed at: www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy.

Further information and details of the Council's CIL can be viewed at www.wandsworth.gov.uk/cil

The Council is the collecting authority for both the Mayoral and the Council's CIL.

Yours faithfully

Joney Ramirez
for Assistant Director (Planning and Transport)

2/2...

Director of Place: Paul Moore

Wandsworth Council

3. EMAIL CORRESPONDENCE DATED 8TH AUGUST 2025

From: Pedro Rizo <[redacted]>
Sent: 08 August 2025 15:49
To: Mandip Sahota <[redacted]>
Cc: Janet Ferguson <[redacted]>
Subject: RE: Mount Clare House, Roehampton

Official

Dear Mandip,

Following our online meeting on the 4th August 2025, please find below an update and summary of key planning considerations that have been identified at this stage, as part of an initial assessment of planning application 2025/0074. The issues raised below can hopefully assist in providing more context on the planning issues that have been identified as part of our assessment. You will recall that when we met, we suggested three options to progress the current application and to resolve our concerns. The options are set out below followed by the key issues that have been identified as part of the consideration of the scheme:

a) Amend the description of the application to reflect the dismissed appeal decision in respect to Certificate of Lawfulness Ref. 2024/2089, which is relevant to the application as it relates to the existing use of the site, to the following wording: *"Change of use of existing buildings from mixed use comprising office, student accommodation and storage to hostel for temporary accommodation to accommodate 264 rooms with common facilities, alongside the replacement of existing bungalow building and provision of ancillary refuse/cycle stores, landscaping, play space and associated works*". As advised, amending the description in this way would require a statutory 21-day re-consultation and revisions to the submitted documents accompanying the application would also be required (in line with the comments that are being relayed below). As also mentioned during our meeting, the revision of the documents and plans would not rule out a refusal, as the revised documents would need to be re-assessed to review whether the revisions would resolve the considerable number of issues that have been picked up at this stage.

b) Withdraw the application in its current form and re-consider a re-submission that fully addresses the concerns raised (as summarised below). This option could avoid a potential refusal and could involve embarking on pre-application discussions that ensure that the scheme evolves in a way that all points of concern have been resolved.

c) Keep the application in its current form. However, please note that the application will have to be assessed and determined as a priority and it is unlikely to be successful as it stands. The planning assessment would also be based on the change of use position, in line with the appeal decision linked to Certificate of Lawfulness Ref. 2024/2025.

Following an initial assessment of the application, the following key issues have been picked up for your consideration:

1. Principle of Development:

The assessment of the application should be consistent with appeal decision dated 11th July 2025 and therefore it is the Council's view that the proposal should be assessed as a change of use from mixed student accommodation comprising storage and office floorspace to hostel temporary accommodation. The loss of student accommodation is therefore a key planning consideration and therefore reviewed against policy LP28 of the Local Plan, which states how any loss will only be

permitted when the loss of student accommodation would be solely at ground floor level and would be replaced with active ground floor uses, and the proposed uses pass the sequential test for main town centre uses in accordance with policy LP43 of the Local Plan. The application documents do not provide evidence that the site is no longer needed for student accommodation and therefore conflicts with policy LP28. Given that policy H15 of the London Plan 2021 also acknowledges a demand for student accommodation and in the absence of justification for any loss of student accommodation, the proposed change of use would be in principle resisted. This would be consistent with reasons for refusal under application 2024/0183 (September 2024).

In addition, policy LP31 of the Local Plan requires development proposals for 'Specialist Housing and Vulnerable People' to demonstrate that the accommodation meets an identified need, having regard to the evidence set out in the Council's most up to date Local Housing Needs Assessment. Additionally, the policy seeks for high quality accommodation that meets best practice guidance in sites that have good access to levels of public transport and shops, services and leisure facilities that meet the needs of intended occupiers. In this instance, concerns are raised over how the proposed accommodation would not have access to good levels of public transport (PTAL 1b) and to shops, services and leisure facilities intended to future occupiers.

Furthermore, additional details with respect to the type of temporary accommodation are required, to establish the time-period involved for the intended temporary accommodation (how long it is expected that each resident would stay) and how the operation of the site would be dealt with accordingly. Further clarifications in respect to the intended temporary use and the operational strategy of this use would assist in any justification for any loss of student accommodation (please also see Section 5 below).

Given the above initial concerns with regards to land use, the application would appear contrary to policy LP28 of the Local Plan, which requires the proposal to demonstrate that the site no longer caters for the future student needs. Moreover, details should be provided to justify how the proposed specialist temporary housing would not be fully compliant with policy LP31 of the Local Plan, with regards to identified need and provision of high-quality accommodation with acceptable links to public transport, services, and shops to meet the needs of future occupiers. The loss of student accommodation should therefore be justified, and any proposal should also be consistent with the aspirations set out under the Site Allocation in the Local Plan (R02), which seeks for a mixed-use residential-led development.

2. Quality of Accommodation:

The proposed development would accommodate 264 rooms with common facilities. Although the Technical Housing Standards – Nationally Described Space Standards (2015) would not be applicable for the proposed temporary accommodation (as this does not include self-contained permanent dwellings) and there are no minimum spatial standards for the temporary habitable rooms, the London Plan seeks for appropriately sized and functional habitable floorspace for any form of residential development. Notwithstanding the fact that the Technical Housing Standards – Nationally Described Space Standards (2015) and the minimum floor areas required by policy 3.5 of the London Plan 2021 would not be applicable, the development would involve rooms that would be occupied by unrelated individuals with shared facilities and the proposal should therefore be compliant with the Wandsworth Minimum Amenities Standards for Houses in Multiple Occupation.

The typical layout for Blocks A - E have been reviewed. Whilst paragraph 4.8 of the Planning Statement states that the proposed units within these blocks range between 12.00 sqm and 20.00 sqm, from my analysis, these rooms would range between 6.00 sqm and 10.00 sqm as shown in the proposed floor plans and would fail to meet the Wandsworth HMO standards, which set a minimum

of 6.5 sqm for single occupiers and 10.20 sqm – 15.00 sqm for two occupiers, where a separate living room is provided which is not a kitchen or a kitchen/dining room. These blocks would not provide additional living rooms and would not accommodate communal kitchen dining areas (minimum requirement of 11.00 sqm for five people and 1.00 additional sqm for each additional person). There are no living communal areas within these blocks and given that the proposed small single bedrooms (comprising 6.00 sqm) would have no access to ensuite bathrooms and the fact that none of the proposed rooms would appear to have shower facilities (as ensuites would be 1.00 sqm in floor area), the proposed accommodation and layout within Blocks A – E cannot be supported.

Whilst Picasso House would accommodate two-bed, three-bed, four-bed and six-bed cluster rooms with kitchen/dining areas with a slightly more generous size (ranging between 9.00 sqm for single rooms and 21.00 sqm for double rooms with access to WC and kitchen dining areas), the proposed kitchen and dining areas would fail to meet the Wandsworth HMO amenity standards in that the kitchen/dining areas would fall short of the 11.00 sqm requirement per five occupants with additional sqm per additional occupier. For example, the six bed clusters would accommodate a maximum of 10 people and the proposed kitchen/dining area would only contain 13.00 sqm in floor area. Moreover, a three-bed cluster within the first floor would have a capacity to accommodate five people and the proposed kitchen/dining area would only contain 9.00 sqm. Although additional communal kitchen floorspace alongside a common room is provided at ground floor, the proposed communal kitchen would contain 52.00 sqm and would provide a very limited collective kitchen area, considering that this block would have the capacity to accommodate approximately 50 people. As observed, some single bedrooms (as annotated in the floor plans) exceed 12.00 sqm in floor area and could therefore have the capacity to accommodate two persons. As such, it is likely that Picasso House would have capacity to even accommodate more people.

Similar concerns with regards to quality of living environment are raised with regards to substandard accommodation are noted on the proposed bungalow building, as the proposed single bedrooms within this block would have no access to an ensuite bathroom.

These concerns should therefore be addressed with regards to the quality of the internal amenity space and the overall quality of the proposed habitable room with regards to size, design and layout. Given the nature of the proposed accommodation and the very limited size of each room, the provision of an acceptable level of internal amenity space with a clearer perception between the communal areas and the more private spaces within the rooms is a key design consideration.

Of relevance are also the requirements for wheelchair accessible rooms and inclusive design, policy D7 of the London Plan (2021) seeks for at least 10% of dwellings to meet Building regulations requirement M4 (3) ‘wheelchair user dwellings’ for all dwellings. Whilst this policy generally limits the threshold to new build dwellings, concerns should be noted that only one single room (9.00 sqm in floor area) at ground floor within Picasso House is labelled as accessible under the revised floorplan, as per the updated floor plan. This room is very constrained in floor area and would not have access to ensuite WC and therefore the design provisions for disabled persons require further review. Details with regards to accessible wheelchair rooms are required, including guidelines of how these rooms would be integrated to communal amenity spaces and disabled parking.

3. Transport and Servicing:

The proposed uplift of cycle parking provision to 106 cycle parking spaces stated in the submitted Planning and Heritage Statement (paragraph 6.83) and Transport Statement (paragraph 4.4.3) is welcomed. Please note that the submitted application form states that a total of 86 cycle parking spaces are proposed, therefore there is conflicting information in the submission. The submitted Transport Statement should also be reviewed to provide a comprehensive Transport Assessment by

reason of the number of temporary rooms and should therefore provide further details on potential transport impacts of the development.

The Transport Team has requested additional information about the intended occupiers to assess the trip generation analysis. The Transport Officer has also raised concerns over the lack of an on-street vehicular parking stress survey. This information is needed to confirm whether the application is compliant with the criteria set out in paragraph 114 of the NNPA. As advised, it is difficult to estimate the number of trips likely to be generated if the type of occupier is not known and there are no similar sites on TRICS. Furthermore, an on-street vehicular parking stress survey to support the application would be required, considering that future occupiers could have different needs and travel patterns.

The application also mentions that it is estimated that the development would generate 5 jobs within the site (end use). However, details to justify the number of employees should be included in any forthcoming temporary accommodation management strategy of the site, as specifications in connection to the operation, security and maintenance of the temporary accommodation should be assessed further. Any increase in employees would have an effect on trip generation and parking.

Whilst the proposed car-free development approach could be acceptable, the application should also demonstrate that the proposed level of parking is suitable in this location and would respond to the requirements of the operation of the site. As advised, this could be done through a parking stress survey completed in accordance with the Lambeth Methodology, which appears to be missing, as also advised by the Transport Team.

I should add that no objections in principle are raised with regards to servicing and refuse collection, as the current arrangement at Picasso House would be basically replicated. However, consideration on arrangements for waste storage, particularly within Blocks A – E would be required. Details in connection to recycling appear to be also missing, but these details could be dealt with via condition.

4. Landscaping:

The submitted Design and Access Statement provides very limited information in connection to the proposed landscaping strategy. Whilst some details with regards to cycle parking, street furniture, play equipment are included within the submitted Landscape Plan (Drawing No. 0101), additional information should be provided to activate the external amenity areas around the buildings and introduce planting and seating edges that create social spaces around the site, alongside a lighting strategy. The application should be seen as an opportunity to introduce good quality soft and permeable landscaping features, to support new habitat and achieve an acceptable score of urban greening, in compliance with policy G5 of the London Plan 2021. Whilst the target is mostly applicable to new build development where landscaping is proposed, it is noted that new landscaping features have been included as a key material form of development, as per the description of the development and that the existing dilapidated condition of the bungalow building would require replacement with a new-build structure.

5. Employment Strategy and Operational Statement:

The submitted documents mention that the proposed temporary use would require five direct operational jobs. Justification on this number is required, to understand how the temporary accommodation would operate in terms of management and maintenance, including communal areas. Specifications on entry systems, anti-social behaviour measures and CCTV should also be considered as part of this information.

6. Fire Safety:

Policy D12 of the London Plan 2021 requires the submission of a Fire Strategy for all major forms of development, which should incorporate measures to minimise risks of fire. Whilst Section C of the submitted Planning Statement mentions the requirements of policy D12, no third-party and independent report has been submitted, which should be assessed to review the fire safety systems, fire prevention measures, and accessibility for firefighting. Although these details could be dealt with via a condition, these should be required as part of a management strategy for the temporary accommodation, to ensure high standard of fire safety in accordance with policy D12 of the London Plan 2021.

7. Energy and Sustainability:

The application is a major application and therefore should be consistent with policy SI 2 of the London Plan (2021) that requires a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the development. Although the submitted Planning Statement addresses this requirement and notes that the proposal would only seek to use existing buildings for temporary accommodation, the proposed retrofitting of the building blocks alongside the replacement of the dilapidated bungalow building would involve material forms of development that would go beyond retention of existing structures, as stated in the Planning Statement. The development should therefore set out CO2 reduction targets for regulation emissions and any shortfall should be secured by a financial contribution.

Additionally, the energy strategy should address the condition of the fabric of the existing buildings to establish if the existing ventilation and lighting systems require adaptation/modification, due to the nature of the development. Furthermore, details with regards to renewable energy supply, such as the installation of photovoltaic modules to deliver carbon savings should be explored, to deliver a better performance of the buildings.

I hope the above comments are helpful to move the application forward in case you want to proceed with 'option 1' mentioned above, namely, to update the description of the development. In that case, the following updated documents would be expected to address the points raised in this email:

- Amended Planning & Heritage Statement;
- Amended Design and Access Statement that incorporates revised drawings;
- Amended floor plans to resolve issues with regards to quality of accommodation and re-assess quality of internal communal spaces;
- Proposed Elevations for the bungalow building;
- Amended Transport Assessment that considers comments given by the Transport Team to supersede submitted Transport Statement;
- Amended Landscape Plan;
- Submission of Fire Strategy;
- Submission of Employment Strategy and Temporary Accommodation Management Plan detailing number of proposed jobs and the reasons with specifications on how the temporary accommodation would operate. These details should correlate with the Transport Statement, which requires further details on trip generation; and,
- Submission of Energy Strategy.

Based on the above information being submitted, a formal 21-days statutory re-consultation exercise would be carried out alongside a further assessment of the acceptability of the proposed development as amended, particularly with regards to land use, quality of temporary residential accommodation, transport and sustainability. I would be grateful if you can confirm your intended way forward within the next seven days (15th August 2025) to understand how the application is to be progressed. In case no revisions are received within an acceptable timeframe and the application

is not withdrawn, it is intended to complete the assessment and determine the proposals as it stands on its own merits.

Regards,

Pedro Rizo
Principal Planning Officer | Strategic Development Team
London Borough of Wandsworth
planning@wandsworth.gov.uk
www.wandsworth.gov.uk

4. EMAIL CORRESPONDENCE DATED 20TH AUGUST 2025

From: Mandip Sahota
Sent: 20 August 2025 16:16
To: Pedro Rizo <[redacted]>
Cc: Janet Ferguson <[redacted]>
Subject: RE: Mount Clare House, Roehampton

Dear Pedro,

Thank you for your detailed email of 8th August and the time taken to set out the Council's initial assessment. Having now reviewed this alongside our recent meeting, I would like to respond on behalf of our client.

It is disappointing that my previous queries remain unanswered, specifically whether you have consulted with your housing colleagues on the matter of need/hostel standards, and whether the letter from Spring4 (which directly addresses student demand) has been acknowledged and considered in your assessment. These are not peripheral points. they go to the heart of the Council's policy concerns and it is difficult to understand how a balanced conclusion can be reached without them being properly addressed.

Turning to the key issues:

1. Principle of Development / Loss of Student Accommodation
We fundamentally disagree that the loss of student accommodation should be resisted in this case. The evidence clearly shows that the site is unattractive and unviable in its current form, with no realistic prospect of future student demand. This is corroborated by the Spring4 letter and by Roehampton University's own position. To ignore this evidence risks misapplying Policy LP28 and London Plan Policy H15.

Conversely, there is demonstrable need for temporary accommodation, as identified in the Council's own Housing Needs Assessment and wider London-wide evidence. The proposed use aligns with Policy LP31, which provides flexibility for specialist housing to meet acute local needs. The low PTAL rating is acknowledged, but in the context of temporary, managed accommodation, and the matters that were discussed at length at the inquiry in regard to transport connections, local amenities etc, this should not be determinative.

2. Quality of Accommodation
The application of HMO standards is, with respect, misplaced. The scheme is not a conventional HMO but a managed, staffed facility with communal kitchens, lounges and operational oversight. The London Plan NDSS does not apply, and the relevant test is whether the accommodation provides a safe and functional environment for short-term occupiers. The hostel rooms, served with en-suites and kitchenettes is how modern hostels are being designed, with a conscious move away from communal bathrooms etc, to provide improve quality of life and dignity to its residents, albeit temporary accommodation. We can point to numerous examples of approved schemes that have been designed on this basis. On that basis, we maintain that the layout and provision is appropriate. Accessibility can be improved at ground floor level if required, but the rigid application of standards designed for permanent dwellings is not reasonable in this context.

3. Transport and Parking
Most of the points raised have already been addressed in the submitted Transport Statement, including a parking survey and justification for levels of car and cycle provision. Where minor inconsistencies exist (e.g. the application form), these are clerical errors which can be rectified easily.

Velocity has prepared further trip generation analysis (which again was discussed at length during the recent inquiry) which can be supplied (but the Council will already have a copy), and the car-free nature of the scheme is wholly consistent with London Plan objectives.

4. Landscaping
This is a matter of detail which could readily be conditioned, but in principle we are content to enhance the landscaping strategy further.

5. Employment / Operational Strategy
A robust operational management plan has already been provided within the Planning Statement, and can be expanded further if required. The proposed staffing levels are appropriate to the nature of the use, and issues such as CCTV, access control and ASB management can be clarified through conditions if necessary.

6. Fire Safety
We agree that a fire strategy can be secured by condition.

7. Energy and Sustainability
We recognise that more detail on energy/sustainability is sought, but equally, as you acknowledge, the Planning Statement addresses this requirement and notes that the proposal would only seek to use existing buildings for temporary accommodation. The bungalow would be repaired as part of this approach. We are confident the site can achieve the necessary carbon reduction targets through retrofitting and renewable technologies without undue difficulty, and a condition could secure these details appropriately.

Finally, with regard to the suggestion of amending the description of the current application to reflect the dismissed appeal decision, the applicant disagrees that this is necessary. Whilst the Inspector noted other uses on site, he did not conclude that these were in any way the lawful uses. Furthermore, this is subject to challenge on the basis that the Inspector misunderstood the law, unlawful mixed use cannot extinguish extant lawful permission. His reasoning was inadequate and failed to assess materiality properly. Furthermore, in comparing student hostel use with temporary accommodation, the Inspector relied on irrelevant/immaterial factors. He compared the proposal against how the site was used in practice, rather than against the permitted use.

In summary, while we acknowledge certain technical points can be further supplemented, we are concerned at the way in which key policy considerations are being interpreted, particularly around the principle of use and the application of space standards. These appear to overlook the specific circumstances of this proposal and the acute need for temporary accommodation in the borough which is a material consideration.

In light of the above, our client has instructed us to proceed with an appeal forthwith on the grounds of non-determination. We do so reluctantly, but feel that the current approach being taken by the LPA leaves no realistic alternative.

I trust this clarifies the applicants position, but should you or your colleagues wish to discuss any of these points further, we remain willing to engage constructively.

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER

[redacted]

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5. PINS DECISION NOTICE 3358768

Planning Inspectorate

Appeal Decision

Inquiry held on 20-23, 27 May and 19 June 2025

Site visit made on 27 May

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/H5960/X/25/3358768
Mount Clare Campus, Minstead Gardens, Roehampton Gate, London SW15 4EE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development.
- The appeal is made by NTA Planning LLP against the decision of the Council of the London Borough of Wandsworth.
- The application ref 2024/2089, dated 13 June 2024, was refused by notice dated 22 October 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is for temporary accommodation.

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs have been made by the Council of the London Borough of Wandsworth ("the Council") against NTA Planning LLP ("the appellant"), and by the appellant against the Council. These applications will be the subject of later Decisions.

Preliminary Matters

3. The Inquiry sat for 6 days in person. All evidence was given on affirmation. Closing submissions were presented in writing only.

4. The description of the use for which a certificate of proposed lawful use or development ("LDC") is sought (hereafter, for convenience, "the proposed use") was the subject of some considerable discussion at the Inquiry. The application form describes the use simply as 'Sui Generis – Hostel'. The covering letter, referred to in the application form adds further information, referring to a proposed use as 'temporary housing' for the purposes of providing temporary accommodation for people on a Council's emergency list.

5. The covering letter makes frequent reference to hostel accommodation, but this is mainly in the context of that being the appellant's position of the existing lawful use. It is suggested therein that the proposed use as 'temporary accommodation' would fall within that use.

6. During the Inquiry, the Council put the position that 'temporary accommodation' was too wide a description, because it could encompass a great many things and could take place in a variety of buildings including hotels, hostels, houses in

multiple occupation, and dwellinghouses. Despite having agreed on the first day of the inquiry that the use could be described as temporary accommodation, the appellant laboured the point that the proposal was for a hostel, partly because of their belief that the building already was a hostel and that was not changing.

7. Following the first day clarification of use, the Council claimed that injustice would arise if I were to make a decision on anything other than a use described simply as 'temporary accommodation'. However, while narrowing the use in this way would limit one of the Council's reasons for denying an LDC – in essence, that the proposed use was too wide to be pronounced lawful – injustice would not arise if I were to do so:

8. While the covering letter makes a clear proposal for temporary accommodation, it is also abundantly clear on the application form that a certificate is sought for a hostel use. Thus, the application documents together provide a clear picture of what is proposed. Moreover, the oral evidence did cover the potential for different forms of temporary accommodation and for different types of hostel. Accordingly, the use for which an LDC is sought can be more precisely described as 'hostel for temporary accommodation', without causing injustice. I have considered the appeal on that basis.

9. Therefore, even if temporary accommodation could be provided in a multitude of residential settings, it would be clear what was being certified on any certificate. If the appeal were successful, despite the various theoretical room layouts shown, I also see no reason why the site operator would be able to lawfully provide dwellinghouses, houses in multiple occupation, or some other form of accommodation. In the event that the site was not operated as a hostel, whether that was as a consequence of the tenure, management arrangements, building layout, provision (or not) of communal facilities, or any other factor, the Council would be able to serve an enforcement notice if it appeared to them that there had been a breach of planning control.

Reasons

10. Mount Clare Campus ("the Site") includes a number of buildings. Mount Clare House is a Grade I listed building that once stood in extensive grounds. Around it are 15 almost identical accommodation blocks in 5 groups of 3, each with 12 bedrooms arranged over two floors, shared bathroom and kitchen facilities. There are garages, a separately listed 'temple' and a very dilapidated house.

11. There is also Picasso House, a large 3 storey building. The lowest, subterranean floor includes small storage spaces, a plant room and workshop. The ground floor contains various large rooms, and the first floor is a series of accommodation units of varying numbers of bedrooms, each with shared bathrooms and kitchens within the units. The accommodation units are accessed via external stairs and an uncovered walkway between the units.

12. Collectively, all of the above sits within landscaped grounds with a single vehicular point of access from Minstead Gardens that passes the front of Mount Clare House. There is agreement between the main parties that the entire Site should currently be deemed one single planning unit.

13. Other than Mount Clare House and the Temple, the Site is believed to have been developed in the 1960s to provide accommodation for Garnett College that was

relocating from elsewhere in London. Hereafter, it is this, 20th Century development to which I refer when describing development of the Site. There are no planning permission documents, but various contemporary reports describe the then proposed and actual development of the Site alongside a nearby site at Downshire House.

14. The documents describe the Site and the Downshire House sites together in the context of developing a training college with accommodation. The teaching space was to be provided at Downshire House and the accommodation at the Site. It appears that Mount Clare House was to be used for student common rooms and the like and, from post construction reports, this appears to be what happened.

15. Despite their dual consideration, linked purpose and single end user, however, it is clear that two separate uses were proposed for the two sites. While the accommodation at the Site was clearly intended to be used in conjunction with the teaching at Downshire House, the Mount Clare site as a whole had an entirely different purpose. There is no particular evidence of teaching activities taking place at the Site, the whole being laid out and arranged for living. Moreover, there is a report indicating that the surrounding area was 'zoned' for residential uses at the time and that the educational proposals for the Downshire House site would conflict with that, whereas the accommodation proposals for the Site would not.

16. The Mount Clare and Downshire sites are around half a mile apart, with intervening uses (which may have been parkland, or may have included residential units depending on when the wider, surrounding, Alton Estate was laid out). Given this separation, and the clearly distinct activities at each location, I find it more likely than not that the Site and the Downshire House site should be treated as two separate planning units from their outset, even if they were subject to some form of single consenting process.

17. It is unclear how permission was given for development of the Site, or indeed the rest of the surrounding Alton Estate. The simple absence of historic documents is insufficient to confirm that there was some sort of deemed consent given. This is because it seems probable that, even in that scenario, there would have been some final sign off procedure and at least some document saying that the development could proceed. In any event, the actual permitting route is of little importance because the documents are absent, so to understand what may have been permitted, it is necessary to make inferences from the available reports and documents.

18. There are a number of architectural drawings showing the layout of the Site and it seems that that development now at the Site accords with them. They appear to be typical planning layout drawings and so are a good indication of what was being proposed and, probably, was ultimately permitted.

19. The 15 almost identical accommodation blocks are described on the drawings as 'Hostel Units'. Picasso House is described as 'Staff & Dining Block" and the, now dilapidated, bungalow as 'Principal's Residence'. It is primarily on the back of this that the appellant contends the 15 blocks were permitted for use as a hostel without restriction.

20. It is uncontroversial that the term 'hostel' is not a term of art, as per *Commercial and Residential Property Development Co. Ltd v Secretary of State for the Environment & Another* [1981] 80 LGR 443. Indeed, as per *Ipswich BC v Fairview*

Hotels (Ipswich Ltd) [2022] EWHC 2868 (KB), the appellant accepts the Council's proposition that there are, in fact, a 'spectrum of hostel uses'.

21. Hostels can, therefore, accommodate various 'classes' of people and, as considered in *Commercial and Residential Property*, that is frequently defined with an additional adjective – student hostel, nurses' hostel, youth hostel, for example. In present times, descriptions such as 'student hostel' are somewhat out of fashion being more usually referred to as student accommodation. Nevertheless, Miss Cooley, for the appellant, explained that, from the 1940s, hostels were created to provide affordable accommodation for working aged people. It is, likely, therefore, that the term hostel was in common parlance when the development was originally considered and would have been deemed an appropriate term to describe the accommodation proposed.

22. *Commercial and Residential Property* acknowledges a situation that a hostel without a qualifying adjective could potentially be used by any class of person, for any length of stay. The question is whether the 'Hostel Units' on the drawings for the development of the Site are such unrestricted units.

23. The historic record includes a number of reports and documents. In the main, they discuss the Mount Clare and Downshire House sites together, and in that context it is clear that, while no educational activities were to take place at Mount Clare, the development was intended to provide accommodation for students, alongside the teaching facilities at Downshire House.

24. Mr Sahota, for the appellant, suggested that greater weight should be given to planning documents. He said that he considered these to be those with a specific reference to Town Planning, such as a Town Planning Committee report, or the drawings that appeared to be planning drawings. That was because other documents, such as those speaking about education or funding might use terms more freely.

25. Of these, a report of 19 February 1959 by the London County Council ("LCC") architect to an education and Town Planning sub-committee referred to development for hostel purposes. However, even in that planning report, terms are used somewhat freely and later the report refers to the provision of accommodation for 240 students 'in the halls of residence', and clearly describes the second element of the proposal as being for the provision of 'hostel accommodation for training college students'. The ultimate recommendation was (so far as relevant) to approve plans for 'training college and students' hostel purposes'.

26. On 9 March 1959, a LCC Town Planning Committee minute notes that outline proposals for the development of Downshire House and Mount Clare for training college and students' hostel purposes were approved. On 16 May 1960 the LCC Town Planning Committee minutes record a recommendation for approval of a scheme for a training college and hall of residence.

27. It appears that the Council of the London Borough of Wandsworth's ("WBC") Town Planning Committee were consulted on the proposals on 8 July 1960. A report to that committee contains un-headed columns that generate some uncertainty over the meaning of their contents, but the subsequent report referred simply to hostel buildings. However, it appears that LCC were responsible for the decision-making process, and their documents refer to halls of residence or student hostels. In any

event the WBC report was describing a training college and ancillary buildings with the proposals for the two sites related to one another.

28. Thus, the terms used by LCC – notably including the minute recording approval of the outline proposals – consistently refer to either a student hostel or student accommodation. It is that description rather than a label on the plan that is more likely to define the scope of any permission or deemed consent given. While, where a broad use is permitted, it is usually necessary to place any restriction on that use with planning conditions (and there is no evidence of any in this case), it has not been shown that such should apply where, like here, a clearly qualified sui generis use is involved.

29. It is relatively uncontentious that the evidence then appears to indicate that the development was carried out, the Site was occupied as accommodation for Garnett College, and this continued for a period of time. Therefore, in the absence of any actual record of the permission or consent sought or given, I find it more likely than not that the development of the Site was permitted for a student hostel rather than an unqualified one.

30. The only available evidence suggests that there was some associated staff accommodation on the first floor of Picasso House, with ancillary communal facilities/common rooms provided in Mount Clare House and the ground floor of Picasso House.

31. It is then understood that the Site was sold to the Battersea Churches and Chelsea Housing Trust and there is no substantive evidence as to their use of the site. However, there is nothing to suggest that it moved away from the previous use by Garnett College, particularly as the 15 accommodation blocks have subsequently been used for student accommodation by the University of Roehampton, whose main campus is within walking distance of the Site. That was, in effect, a resumption or continuation of the previous known use.

32. However, there is very little clarity over what the University of Roehampton were doing on the rest of the Site. Residents of the accommodation blocks would probably have needed some communal facilities, such as a laundry and, potentially, some form of common room. Signage remaining within Picasso House is indicative of such past uses.

33. At the Inquiry, there was some discussion as to the Picasso House basement uses. There are some small spaces and a plant room as well as a workshop. The workshop contained work benches, saws, drills, and other tools. Given its small size, the appellant's suggestion that it could be used entirely in the maintenance of the Site is a reasonable one.

34. However, a 2014 photograph from the London Parks and Gardens website shows a totem sign to the front of Mount Clare House. Care should be taken when relying on a single photograph of the outside of the building at one snapshot in time. Nevertheless, the sign appears to announce the occupation of Mount Clare House by the University of Roehampton Department of Property & Facilities Management. It describes a meeting room on the lower ground floor, alongside the environment team. On the ground floor, the conferencing & hospitality team, accommodation office and finance team are listed. On the first floor a visitor reception, university head of security, projects team, university domestic services

and university ground & waste management team, as well as another, illegible, team are listed.

35. The names of the various teams on the sign are of a type often aligned with administrative functions. The sign supports Mr Curtin's description of Mount Clare House as having evidence of a previous office use. It also aligns with local resident Mr Mills' recollection of visiting a former lecturer of his, now involved in what he described as the 'greening of the university', in an office there, and Mr Sahota's understanding that there were once administrative functions there.

36. The University of Roehampton may have very many buildings available to house its administrative functions. However, Mount Clare House would have been one such building at its disposal, able to house a department with specific responsibilities. There is no substantive evidence from the University of Roehampton about how they used the site and Mr Sahota confirmed that he has not asked them about their use. The university's own letter of 13 March 2025 makes no detailed reference to Mount Clare House or Picasso House and blandly states that 'the buildings at Mount Clare have been used for a number of purposes over the years in addition to student accommodation'. No further detail is given.

37. While some functions may have related to activity at the Site, it seems rather unlikely that whole teams of the type described would be needed to provide support ancillary only to the accommodation blocks, or related to works only at the Site. Indeed, while he did not know how the office space had been used, or whether it would have been ancillary to the accommodation blocks, Mr Curtin confirmed that he had not needed to provide space for such facilities in other student accommodation projects with which he had been involved.

38. At the site visit, it was evident that large parts of the ground floor of Picasso House also appear to be in use for storage. Some of the items appear to be kitchen appliances and the like that may well be for use in the ongoing refurbishment of the accommodation blocks at the Site. Other items appear to include university-branded paraphernalia relating to the control of Covid-19 that could have been used in connection with the accommodation units at the Site, or elsewhere. However, other parts are laid out as filing rooms (labelled as University of Roehampton storage) and there is no substantive evidence about what this relates to.

39. In addition, one corner of Picasso House has been refurbished and laid out as office/consultation space for the Citizens' Advice Bureau ("CAB"). Google Street View photographs show that it has been at the site since 2019 and there is no particular evidence that it was an ancillary support service specifically for the residents of the accommodation units at the Site. Indeed, there is currently no residential occupation of the site and the CAB office use has clearly continued beyond vacation of the accommodation blocks, given that it was open and operating at the time of my site visit.

40. I note here that very little is known about the principal's residence that is described in some early reports and shown on the plans of the development. Evidently, something was built in broadly that location, but the present-day remains are barely recognisable as a dwelling. At some point – seemingly, from the condition of the building, some time ago – it ceased to be used such that it would not be contributing to the overall use of the planning unit.

#

41. With regard to the above, I conclude that the evidence makes it more likely than not that during the University of Roehampton's occupation, uses have been brought onto the Site that are related to wider university functions (both the office uses of Mount Clare House and storage uses of Picasso House), and also to private business operations (CAB) within Picasso House.

42. At this time, those spaces ceased to be used for purposes ancillary to the accommodation units. While the overall spaces/numbers of rooms in these other uses are relatively small compared to the available floorspace on the Site as a whole, these are disconnected uses. Thus, even if the uses have not continued for long enough to have become lawful in their own right, I find it more likely than not that this caused a material change of use of the Site to a mixed use including student accommodation, storage, and office uses.

43. The appellant has no clear proposals for Mount Clare House. Its Grade I listed status makes it unsuitable for modification, and its layout does not lend itself to providing temporary accommodation. Communal facilities, such as catering and laundry, or ancillary support services may well be provided within Picasso House as part of a hostel accommodation offer. However, as per the application for the whole Site, the certificate is requesting confirmation that a single use would be lawful. That would be materially different to the current mixed use ongoing at the site in recent years.

44. In any event, I have considered whether the proposed use as a hostel for temporary accommodation is materially different to use of the Site for student accommodation.

45. There are likely to be some similarities in the way that the buildings are occupied. They include that rooms would be occupied by unconnected individuals, sharing any communal facilities provided, and they would likely occupy those rooms on licence rather than a tenancy agreement. Lengths of occupation may vary considerably, but the University of Roehampton has confirmed that most students were offered licences of 39-51 weeks. There also seems to have been some short-term letting for other commercial purposes if rooms were available, although the extent of this is uncertain.

46. Historically, Garnett College may have run courses of varying lengths with several different cohorts, differing from the conventional undergraduate pattern. The accommodation could have been occupied by mature or post-graduate students, as it probably was when used by Garnett College. The demographic profiles of University of Roehampton students may be broadly comparable to those presenting as homeless. While the appellant's evidence suggests that there could be improvements in noise and disturbance effects with the proposed use, Mr Mills' evidence is that he has not recalled any such problems from the existing use of the site, so the uses are likely to be comparable in that regard.

47. Mr Curtin's evidence suggests one possible solution for refurbishment of the accommodation. It shows en-suite bathrooms and kitchenettes being provided within the individual rooms, leading to a greater degree of self-containment. However, that is probably no different to some modern student accommodation and would, thus, be a consequence of refurbishment rather than a change of use. Likewise, an alteration of existing shared kitchen and bathroom spaces into bedroom spaces and resulting increase in occupancy could equally occur in the

existing use. Miss Cooley explained how required rooms layouts and facilities would be broadly comparable for existing and proposed users.

48. While general statistics reveal that homeless people have higher levels of disability and chronic healthcare needs, Miss Cooley explained that this is skewed by the inclusion of the long-term or entrenched homeless. Given her experience, I have no reason to doubt her position that these are not the types of people likely to be accepted into temporary accommodation. Although the proposed occupiers are not tightly defined, her position that hostels providing temporary accommodation are likely to accommodate a wide range of people from across the social spectrum is credible. As the buildings at the Site are unsuited to a large number of physically disabled people, there is no reason why there should be a material difference in the general healthcare requirements of previous and proposed occupants.

49. Both parties instructed transport experts to assess whether the change of use would have a material effect on the highway network. Conventional analysis of trip generation has been challenging, because the commonly used TRICS database does not cover hostels providing temporary accommodation. Data for sites that may contain similar uses, such as local authority flats, are from surveys in incomparable locations. Available data for student accommodation also relates to sites with different accessibility credentials and parking levels. While consideration of whether this results in over- or under-estimates can be made, I find that TRICS analysis is a wholly unreliable method on which to compare likely trip generation of the two uses at this site.

50. Both parties also attempted to compare likely parking demand. This is also an imperfect exercise because the census data underpinning car ownership information groups various categories of accommodation together. For the appellant, Mr Lewis believes that both uses should fall within the same category and he, therefore, anticipates that there would be an increase in car ownership based only on an increase in available rooms.

51. For the Council, Mr Marshall has also accounted for the increase in room numbers. However, he has also applied a weighting to his figures. That is based on the number of equivalent housing units that student accommodation and communal housing solutions are expected to provide to general housing land supply. While a novel approach, I can see that this might be instructive of the number of people likely to occupy the units, when compared to dwellinghouses. However, as there is no substantive evidence about relative car ownership patterns between dwellinghouses and student or communally occupied units, it has not been shown that the weighting would be accurate.

52. Moreover, the weighting has not been applied to dwellinghouses. Rather it has been applied to data for flats containing one person aged 17 or over. In both existing and proposed scenarios the accommodation would, in effect, be providing accommodation for a single person. While both student accommodation and temporary accommodation for the homeless might operate differently to flats falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), they may already be a part of the chosen data set (in the absence of a more suitable one within the census data). It is not clear, therefore, why that data set would need to be weighted in the way that it has been.

53. Ultimately, the evidence base supporting the weighting is poor and so the results may be unreliable. I favour Mr Lewis' approach of using the same data set for both, especially as that accords with Miss Cooley and Mr Sahota's experience that those in temporary accommodation would usually have low levels of car ownership. Any uplift in car ownership would, therefore, be dependent on the ultimate refurbishment proposals of the accommodation. The change of use itself would cause no material change.

54. In any event, car ownership can only be a proxy for potential private vehicular trip generation. In the absence of a reliable comparison methodology for other modes, far more instructive of any difference between uses would be a qualitative analysis of the behaviour of the occupants.

55. Students resident at the site would have shared a common endeavour in their academic studies. They would, in the main, travel most frequently to the university campus where there are a range of educational, social and wellbeing facilities available to them. However, while residents in the proposed use might have a variety of endeavours spread across a wider area of London, this accommodation is detached from the university campus and, therefore, in existing and proposed scenarios, residents would generally be leaving and returning to the accommodation individually or in small groups at various times throughout the day.

56. The University of Roehampton has confirmed that many of its students are engaged in part time work. They may also attend work placements and internships elsewhere in London. As such, although their main reason for living at the site would be education, they could reasonably be expected to place other travel demands on the road network and public transport. The lack of shared endeavour, therefore, would not create a material difference in the way that the site was used.

57. However, while students are likely to place some reliance on local shopping and leisure facilities, they would also have access to the university-based facilities. The Council has suggested that their social activities are likely to revolve around the university and its facilities. By contrast those who find themselves in the proposed temporary accommodation could have existing social commitments elsewhere and would only use facilities for the general population.

58. The appellant's witnesses sought to downplay this, partly on the basis that there are a number of local services and facilities closer to the site than the university campus that could be used by students. But, while the University of Roehampton has indicated that its students can, and probably did use these facilities, and were said to be well integrated into the community, there is no substantive evidence as to the extent that they do (or did) when residing at the Site.

59. The University of Roehampton provides a students' medical centre that is serviced by a local GP practice. On that basis, it is likely that the demand on doctor time would be indifferent, as patients would just be seen in a different place by the same healthcare professionals. However, there is no obvious reason why, for example, students would use other nearby community services such as libraries, community centres, employment centres, adult education centres and the like, to anywhere near the same extent as residents unconnected with a university, as comparable university facilities are likely to be far more suited to students' needs. Whether or not those local facilities have capacity to accommodate additional

pressure, the presence of extra demand and differences in occupants' need for them is materially different in this regard.

60. Some of the rooms at the Site are large enough to be shared by two people. However, there is nothing to suggest that through its time providing accommodation for students they were not, in the main, occupied by single people. Although some mature students might have children, there is nothing to suggest that children have previously been accommodated at the Site. In the proposed use, the room sizes would not change and they would continue to be most suitable for single occupancy. Nevertheless, Mr Curtin's suggested room layout could include some two-room units. While I appreciate that such is hypothetical and not indicative of a final proposal, such rooms might be capable of providing accommodation for adults with one or two children.

61. Miss Cooley confirmed that particular care is required when accommodating children for safeguarding reasons and it was unlikely that they would be placed in a hostel with other adults. However, she also acknowledged that, given the dispersed buildings at the Site, some could be assigned for different categories of people. While it is not currently the appellant's intention, such may change and it seems likely, therefore, that the proposed use could reasonably accommodate some children in the future, should demand dictate. In addition to other community facilities and services, this would place new demands on schools, parks and other children's services.

62. Furthermore, while the accommodation at the Site may have been occupied for various periods and, to some extent, throughout the year, the nature of student accommodation is that it is most likely to have been occupied by a succession of cohorts for consistent periods of time. Thus, the vast majority would likely arrive and depart together. That is contrasted with the, materially different, uncoordinated individual arrivals and departures of temporary accommodation residents. Miss Cooley's position that tenure or licencing arrangements would not dictate this behaviour does not change this probable behaviour pattern of most people.

63. Therefore, even in a scenario where a mixed use of the site had not been instituted, the use as a hostel for temporary accommodation would result in a material change of use of the Site. In any event, the change from a mixed use to the single use described certainly is. The making of a material change of use is development requiring planning permission and none has been obtained. The proposed use would not, therefore be lawful.

64. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for use of the Site as a hostel for temporary accommodation is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

M Bale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Gillick BSc MBs MSc

He called

Anna Cooley[1]

Daniel Curtin BSc (hons) M Arch Dip Arch ARB RIBA

David Lewis MSc MCIHT

Mandip Sahota BA DipTP MRTPI

FOR THE COUNCIL:

Victoria Hutton, Counsel for the Council

She called

Will Marshall BA MA MSc

Siri Thafvelin BA MA AssocRTPI

INTERESTED PARTIES:

Mark Doody (local resident)

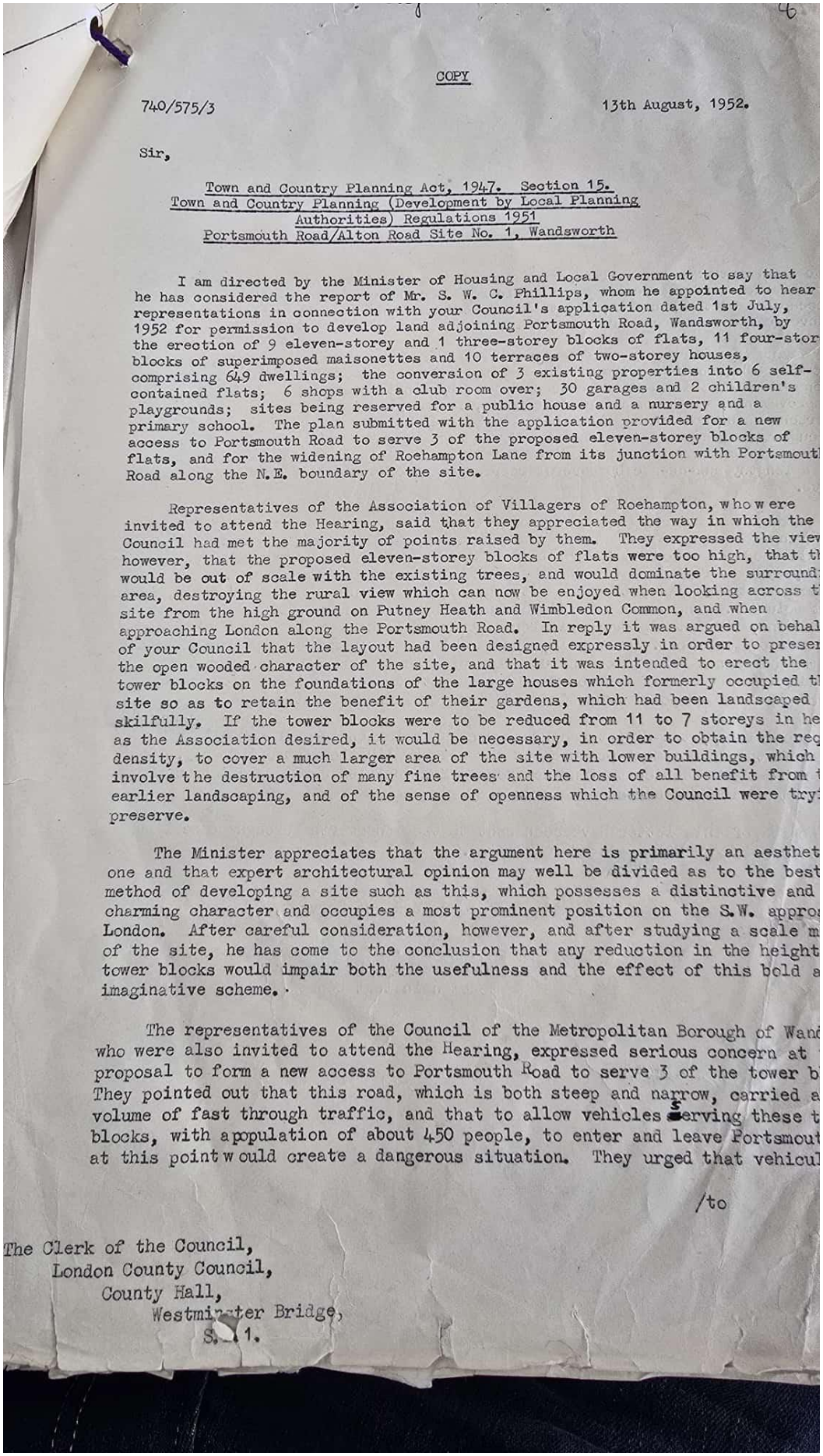
George Mills (Chair of Swaythling House Residents Association)

[1] Anna Cooley has various relevant qualifications, but the manner in which they should be cited is not clear from her proof of evidence.

DOCUMENTS SUBMITTED TO THE INQUIRY

ID1	Extracts from Homelessness live tables at 06 May 2025
ID2	Extracts from University of Roehampton website at 30 April 2025.
ID3	Wandsworth Homelessness Health Needs Assessment 2023
ID4	Technical housing standards – nationally described space standard 2015
ID5	Opening statement on behalf of the appellant
ID6	Opening submissions on behalf of the Council
ID7	Copy of Mr Doody's oral submission to the Inquiry
ID8	Site visit route plan
ID9	Closing submissions on behalf of London Borough of Wandsworth
ID10	Closing statement on behalf of the appellant
ID11	Response to additional case-law on behalf of London Borough of Wandsworth
ID12	Appellant response to the Council's response to additional caselaw
ID13	Costs application on behalf of London Borough of Wandsworth
ID14	Application for costs on behalf of appellant
ID15	Response to [appellant's] costs application on behalf of London Borough of Wandsworth
ID16	Appellant's response to Council application for costs
ID17	Reply to the appellant's response to the [Council's] costs application on behalf of London Borough of Wandsworth
ID18	Appellant's final comments on the application for costs

6. ALTON ESTATE DEEMED PERMISSION (REF: 740/575/3) DATED 13 AUGUST 1952



COPY

740/575/3 13th August, 1952.

Sir,

Town and Country Planning Act, 1947. Section 15.
Town and Country Planning (Development by Local Planning Authorities) Regulations 1951
Portsmouth Road/Alton Road Site No. 1, Wandsworth

I am directed by the Minister of Housing and Local Government to say that he has considered the report of Mr. S. W. C. Phillips, whom he appointed to hear representations in connection with your Council's application dated 1st July, 1952 for permission to develop land adjoining Portsmouth Road, Wandsworth, by the erection of 9 eleven-storey and 1 three-storey blocks of flats, 11 four-stor blocks of superimposed maisonettes and 10 terraces of two-storey houses, comprising 649 dwellings; the conversion of 3 existing properties into 6 self-contained flats; 6 shops with a club room over; 30 garages and 2 children's playgrounds; sites being reserved for a public house and a nursery and a primary school. The plan submitted with the application provided for a new access to Portsmouth Road to serve 3 of the proposed eleven-storey blocks of flats, and for the widening of Roehampton Lane from its junction with Portsmout Road along the N.E. boundary of the site.

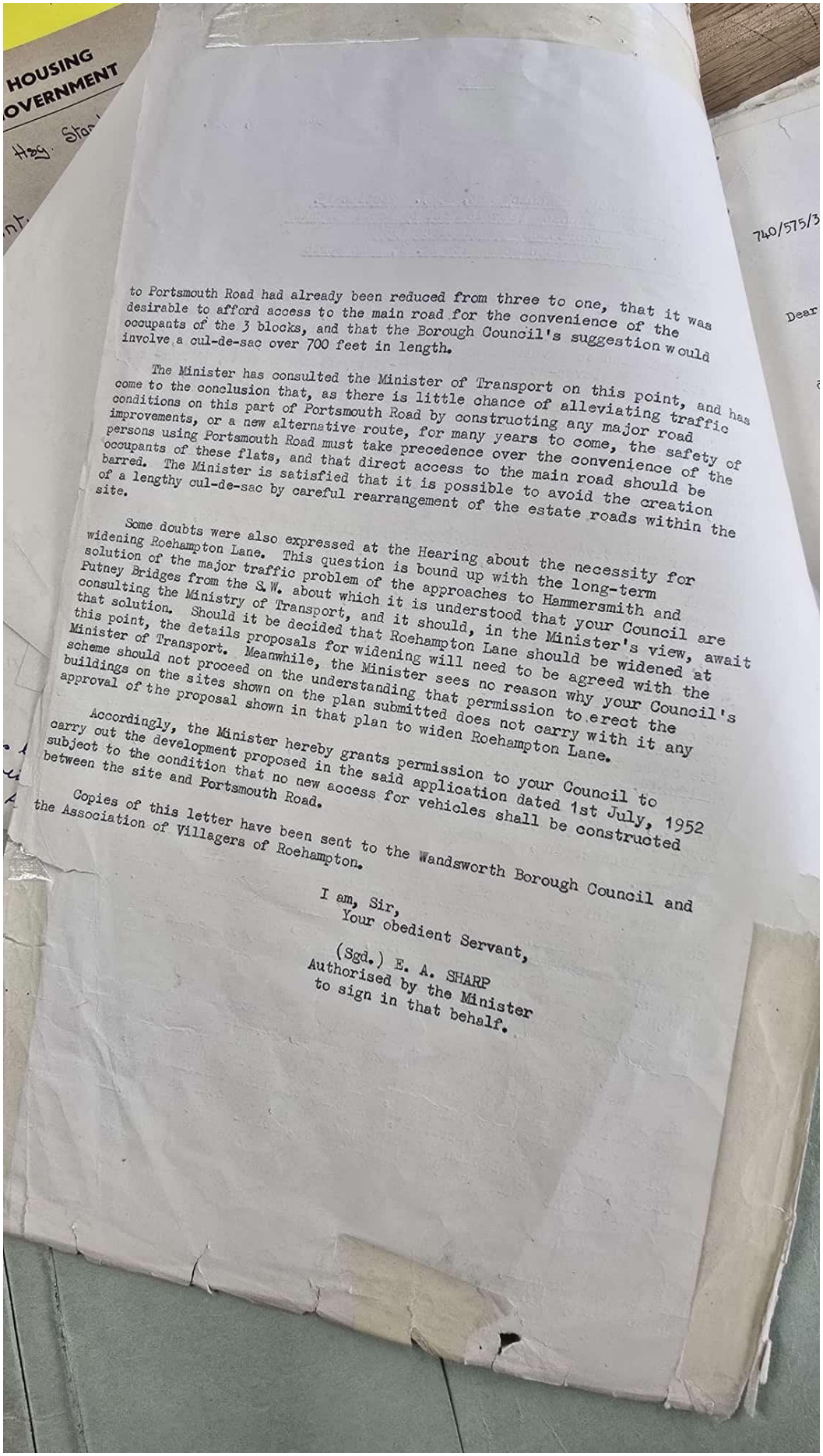
Representatives of the Association of Villagers of Roehampton, who were invited to attend the Hearing, said that they appreciated the way in which the Council had met the majority of points raised by them. They expressed the view however, that the proposed eleven-storey blocks of flats were too high, that th would be out of scale with the existing trees, and would dominate the surround area, destroying the rural view which can now be enjoyed when looking across t site from the high ground on Putney Heath and Wimbledon Common, and when approaching London along the Portsmouth Road. In reply it was argued on behal of your Council that the layout had been designed expressly in order to preser the open wooded character of the site, and that it was intended to erect the tower blocks on the foundations of the large houses which formerly occupied th site so as to retain the benefit of their gardens, which had been landscaped skilfully. If the tower blocks were to be reduced from 11 to 7 storeys in he as the Association desired, it would be necessary, in order to obtain the req density, to cover a much larger area of the site with lower buildings, which involve the destruction of many fine trees and the loss of all benefit from t earlier landscaping, and of the sense of openness which the Council were tryi preserve.

The Minister appreciates that the argument here is primarily an aesthet one and that expert architectural opinion may well be divided as to the best method of developing a site such as this, which possesses a distinctive and charming character and occupies a most prominent position on the S.W. appro London. After careful consideration, however, and after studying a scale m of the site, he has come to the conclusion that any reduction in the height tower blocks would impair both the usefulness and the effect of this bold a imaginative scheme.

The representatives of the Council of the Metropolitan Borough of Wand who were also invited to attend the Hearing, expressed serious concern at proposal to form a new access to Portsmouth Road to serve 3 of the tower b They pointed out that this road, which is both steep and narrow, carried a volume of fast through traffic, and that to allow vehicles serving these t blocks, with a population of about 450 people, to enter and leave Portsmout at this point would create a dangerous situation. They urged that vehicul

/to

The Clerk of the Council,
London County Council,
County Hall,
Westminster Bridge,
S.E.1.



HOUSING
OVERNMENT

740/575/3

Dear

to Portsmouth Road had already been reduced from three to one, that it was desirable to afford access to the main road for the convenience of the occupants of the 3 blocks, and that the Borough Council's suggestion would involve a cul-de-sac over 700 feet in length.

The Minister has consulted the Minister of Transport on this point, and has come to the conclusion that, as there is little chance of alleviating traffic conditions on this part of Portsmouth Road by constructing any major road improvements, or a new alternative route, for many years to come, the safety of persons using Portsmouth Road must take precedence over the convenience of the occupants of these flats, and that direct access to the main road should be barred. The Minister is satisfied that it is possible to avoid the creation of a lengthy cul-de-sac by careful rearrangement of the estate roads within the site.

Some doubts were also expressed at the Hearing about the necessity for widening Roehampton Lane. This question is bound up with the long-term solution of the major traffic problem of the approaches to Hammersmith and Putney Bridges from the S.W. about which it is understood that your Council are consulting the Ministry of Transport, and it should, in the Minister's view, await that solution. Should it be decided that Roehampton Lane should be widened at this point, the details proposals for widening will need to be agreed with the Minister of Transport. Meanwhile, the Minister sees no reason why your Council's scheme should not proceed on the understanding that permission to erect the buildings on the sites shown on the plan submitted does not carry with it any approval of the proposal shown in that plan to widen Roehampton Lane.

Accordingly, the Minister hereby grants permission to your Council to carry out the development proposed in the said application dated 1st July, 1952 subject to the condition that no new access for vehicles shall be constructed between the site and Portsmouth Road.

Copies of this letter have been sent to the Wandsworth Borough Council and the Association of Villagers of Roehampton.

I am, Sir,
Your obedient Servant,

(Sgd.) E. A. SHARP
Authorised by the Minister
to sign in that behalf.

7. LEGAL CHALLENGE REF AC-2025-LON-002743

IN THE HIGH COURT OF JUSTICE **AC-2025-LON-**
KING'S BENCH DIVISION
PLANNING COURT
ADMINISTRATIVE COURT

IN THE MATTER OF AN APPLICATION BROUGHT PURSUANT TO SECTION 288 OF THE TOWN AND COUNTRY PLANNING ACT 1990

BETWEEN:

THE KING on the application of:

AKA CAPABILITY LLP

Claimant

- v -

THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES, AND LOCAL GOVERNMENT

1st Defendant

-and-

THE COUNCIL OF THE BOROUGH OF WANDSWORTH

2nd Defendant

STATEMENT OF FACTS AND GROUNDS

References in the form [CB/X/Y] are to Tab X, Page Y in the Claim Bundle

ABBREVIATIONS

DL/X is Paragraph X of the Decision Letter.
LPA is the 1st Defendant.

INTRODUCTION

1. This is the statement of facts and grounds of the Claimant, AKA Capability LLP,[1] in

[1] AKA Capability LLP is the freehold owner of the land. The CLOPUD application and appeal were made by its planning consultant, NTA Planning LLP.

their challenge against the decision of a planning Inspector, appointed by the Secretary of State, dismissing their appeal against the decision of the Council of the London Borough of Wandsworth to refuse their application for a certificate of lawful proposed use or development ("CLOPUD"), in relation to their proposal to use land at Mount Clare House as a temporary accommodation hostel for homeless persons.

2. The Inspector's decision to refuse the CLOPUD was marked by a series of legal errors.

3. The Claimant therefore asks the Court to:

3.1 Grant permission for the claim to proceed;

3.2 Quash the Inspector's decision; and

3.3 Award the Claimant his costs.

FACTUAL BACKGROUND

4. On 13th June 2024, the Appellant applied, under section 192 of the Town and Country Planning Act 1990, for an "Application for a certificate of lawfulness for use as temporary housing (Use Class sui generis)" (reference 2024/2089).[2]

5. The application specified the land as Mount Clare Campus. The existing and proposed uses were both described as a hostel (sui generis). This formed the subject of debate with the LPA, and the proposed use was later amended to 'hostel for temporary accommodation' at the inquiry.[3] The Inspector considered the application on that basis.

6. The Site consists of a Grade I listed building, constructed in circa 1770 and a temple, built at a similar time within the grounds of that building. In the 1960s fifteen accommodation blocks and a further block housing communal facilities and a further 28 bedrooms were constructed along with 'the Lodge', a further dwelling and garage. [4]

7. The Site comprises the following principal buildings:

[2] SoCG, §1.3; *[CB/5/54]*
[3] DL/8; ACS/§28; *[CB/4/40]*
[4] ACS/§59; *[CB/10/129]*

7.1 Mount Clare, a Grade I listed, two storey building, with 10 rooms[5];

7.2 Blocks A-E comprising fifteen 1960's two storey accommodation blocks, clustered into five groups of three, containing twelve bedrooms, with shared kitchens and bathrooms, and a total of 180 bedrooms;

7.3 Picasso House, a two storey 1960's building originally constructed with dining hall and facilities at ground floor, with the first floor accommodating a further 28 bedrooms;

7.4 A bungalow and garages which are currently in disrepair; and

7.5 A Grade II* listed structure known as the Temple.[6]

8. The buildings on site were said by the Claimant to be largely uninhabitable and the proposal was intended to bring them back into use.[7]

9. Blocks A-E are purpose-built accommodation buildings that have most recently been used by the University of Roehampton, who have also occupied Picasso House and Mount Clare House.

10. The proposed occupancy level of the Site under the Claimant's scheme would remain, similar to that of the former use, with 225 rooms in the Accommodation Blocks, and 32 rooms in Picasso House. Mount Clare would continue to provide associated administrative facilities. Occupation would be by unconnected households with up to one-year tenancies, typically on licenses awaiting provision of permanent accommodation, with no on-site care provided. There would be communal facilities serving all residents, including dining and communal spaces, and managed by a single entity with on-site wardens/ security.[8]

11. No planning permission document has been produced to substantiate the terms of any grant of planning permission and therefore what constitutes the lawful use of the Site. There were complex debates at the inquiry as to the terms of the permission and as to whether the permission was deemed statutorily in light of the statutory frameworks

[5] ACS/§131 *[CB/10/139]*
[6] Summary PoE Mandip Sahota, §3.1 *[CB/6/64]*; SoCG §3.02 *[CB/5/57]*
[7] PoE Daniel Curtin, §1.2 *[CB/7/72]*
[8] Summary PoE Mandip Sahota, §3.3 *[CB/6/65]*

prevailing at the time of authorisation. Ultimately, the Inspector resolved that a permission was granted and that the permission was for a "student hostel" across the site, partly because the evidence showed it was occupied by Garnett College shortly after construction (DL/29; *[CB/4/43]*).

12. The Council resolved to refuse the application, on 22nd October 2024, for the following reason:

> The proposal constitutes development under the Town and Country Planning Act 1990 and the local planning authority is not satisfied that, based on the documents and drawings submitted as part of the application, this proposal falls within any class of 'permitted development' specified within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and that the proposal constitutes a material change of use and requires planning permission.

13. The evidence before the Inquiry, which the Inspector appears to accept, is that no use of the site other than the hostel use that was permitted in 1965 can be confirmed as persisting for long enough to be immunised from enforcement (and thereby rendered lawful DL/42; *[CB/4/45]*).

14. After initially objecting to the proposal, the University of Roehampton later provided a letter of evidential support,[9] explaining that the planned use for the site will reflect the original classification of hostel accommodation. It explained that the demographic profile of those previously accommodated, the occupancy agreements utilised, and the length of stay all mirror those which are generally seen in hostel type accommodation.[10]

15. An appeal was made by the Claimant under section 195 of the 1990 Act against the refusal to grant a certificate of lawful use or development. An inquiry was held to determine the appeal on 20-23, 27 May and 19 June 2025, with a site visit on 27 May (Appeal Ref: APP/H5960/X/25/3358768). The Claimant was not represented by counsel at the inquiry.

16. By a decision dated 11 July 2025, the Inspector dismissed the appeal.

[9] University of Roehampton letter *[CB/9/115-117]*.
[10] PoE Cooley, §1.14 *[CB/8/102]*).

LAW

17. For clarity and convenience, legal principles are primarily woven into the analysis of the relevant grounds they concern. Some overarching principles are set out here.

CLOPUD

18. Certificates of lawful proposed use or development are a form of certification which a local planning authority can grant, on application, confirming conclusively that the development proposed in the application is lawful. In other words, it falls within the scope of what is currently permitted on the land and therefore does not require a fresh planning permission.

19. They are governed by section 192 of the 1990 Act:

> "(1)If any person wishes to ascertain whether—
>
> (a)any proposed use of buildings or other land; or
>
> (b)any operations proposed to be carried out in, on, over or under land,
>
> would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
>
> (2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
>
> …
>
> (4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."

Adequacy of reasoning

20. An Inspector's reasoning must meet the requirements of *South Bucks DC v Porter* [2004] UKHL 33 at [36].[11]

Material changes of use generally

21. Section 55(1) of the 1990 Act defines "development", for which planning permission is required. This includes making a material change in the use of land. Non-material changes therefore do not require permission. The statutory framework does not define the concept of a material change in use.

22. Whether a change is material is a matter of evaluative planning judgment, but the determination must be reasonable. In *Westminster City Council v British Waterways Board* [1985] A.C.676, Lord Bridge (with whom the other members of the House concurred) observed at pp.683-684 that:[12]

> "Secondly, what is the range of uses sufficiently similar in character to the established use to be capable of replacing the established use without involving a material change? Behind this second question lies a potential question of law in that there may be some uses of such a character that a reasonable tribunal of fact, directing itself correctly in law, must necessarily conclude that they lie within that range, or beyond it, as the case may be."

23. In determining whether a material change of use has occurred, one is focussed on whether the new or proposed use has brought about a "definable change in the character of the use made of the land" (*Hertfordshire CC v Secretary of State for Communities and Local Government* [2012] EWHC 277 (Admin), at [40]).[13] The task for a planning decision-maker is not merely to identify differences in activity on the land, even where those may be very substantial, but to explain how those differences bring about that definable change in character. As Ouseley J explained in *Hertfordshire*:

> "40. Although the concept of a material change of use can be expressed clearly enough as a concept, it is elusive in practice, perhaps even illusory. But one point is clear from all the authorities…: the change relied on has to result in a material

[11] *[CB/14/402]*).
[12] *[CB/15/416-417]*
[13] *[CB/16/427]*

> change of the use of the land, and it can only do that by bringing about a definable change in the character of the use made of the land.
>
> 41. I have no difficulty in seeing that significant environmental effects, experienced on or off-site, may support the contention that a material change of use of land by intensification has occurred. There are plenty of authorities to that effect. But I do not see how effects, whether on or off-site, can themselves constitute a material change in the use of the land. The concept focuses on the use made of a particular piece of land. I do not see how an increase in lorries, for example, arriving in the road at unsocial hours, or creating problems at a junction a mile away, or an increase in noise or dust experienced off-site from activities on-site, is capable of itself or themselves, whatever the degree of increase, of constituting a material change of use on a particular site. It may be very relevant to the argument that there has been a material change in the character and use of land. For example, a specialist gas bottle disposal facility might be treated as a materially different use from a general scrapyard because of its noise impacts. But of itself, an increase in noise impact, however severe, cannot be a material change in the use of the land."[14]

24. Indeed, as Lord Parker CJ explained in *Devonshire County Council v Aliens Caravans (Estates) Ltd* [1963] 14 P. & C.R. 440:

> "In so far as it was a pure question of fact, I can see no reason why the Minister could not come to the conclusion he did. The materiality to be considered is a materiality from the planning point of view and, in particular, the question of amenities."[15]

25. When assessing materiality, relevant considerations or factors are only those which are planning matters impacting amenity that are capable of affecting the definable character of the use of land. Not all differences between proposed uses are relevant to the question of whether a material change has occurred, therefore.

26. Ouseley J also considered how planning decision-makers ought to conduct the comparative exercise in assessing whether a new or proposed use would materially

[14] *[CB/16/427]*
[15] *[CB/17/433]* See, to similar effect, *Barnet Urban District Council v British Transport Commission* (1962) 2 QB 484, at p.490: " "material" … must be referring to material as material for planning purposes". *[CB/18/442]*

differ from a prior one. His reasoning indicates that in determining whether a new or proposed use constitutes a material change, one is asking whether it constitutes a material change from what is permitted on the land, not simply what happens to be occurring on the land:

> "36. Similarly, in judging whether an increase in activity has led to an intensification of such a nature or degree as is necessary to constitute a material change of use, the level at which that activity did or could occur without giving rise to a change of use has to be ascertained. It is only what happens above that no doubt not very clearly defined baseline which can contribute to the material change of use. In so far as the change in effect is relied on, the change in effect must exceed that which could be caused by the permitted use.
>
> 37. I do not doubt that a combination of intensification and other changes in activities can constitute a material change in use; but what could be done without the need for permission would still have to be ascertained. That is how the Inspector approached it…."[16]

27. The above remarks relate to a case concerned with a change of use by intensification, but the logic applies equally to changes of use generally. The "baseline" is the "level at which that activity did or could occur without giving rise to a change of use". The relevant "change in effect must exceed that which could be caused by the permitted use". That is true because, as the Judge explains in paragraph 36 of his remarks, what matters is whether the new or proposed effects come within the scope of existing permissions on the land, or whether they materially exceed them and therefore require fresh permission.

GROUNDS OF CHALLENGE

28. The Inspector made his decision on two alternative bases:

    28.1 The primary basis was that the use of the site had changed from student hostel accommodation to a mixed use of student hostel along with non-ancillary office and storage uses. Although far from clear, it appears the Inspector considered the use of the site for a single use rather than a mixed use was therefore

[16] *[CB/16/426-427]*

inevitably a material change that required fresh planning permission (DL/29-43; *[CB/4/43-45]*).

28.2 The secondary basis was that, even if the use of the site was properly understood to be a single use as student hostel accommodation, the proposed use as a hostel for temporary accommodation would constitute a material change from that use, and would therefore require fresh planning permission (DL/44-63; *[CB/4/45-48]*).

29. In both scenarios the Inspector's ultimate conclusion is that fresh planning permission would be required for the proposed use, and therefore a CLOPUD could not be granted.

30. Both conclusions are marked by material legal error. Ground 1 of this challenge concerns the primary basis, and Ground 2 concerns the secondary basis.

Ground 1 – The Inspector misunderstood the relevance of the ongoing mixed-use

31. The question for the Inspector in disposing of this appeal was whether or not a fresh planning permission was required for the land use proposed in the CLOPUD application, that being use as a 'hostel for temporary accommodation'.[17]

32. The Inspector's primary basis for finding that a fresh planning permission is required appears to be that the Site currently had a mixed use, as a result of storage and office use for an indeterminate time at ancillary buildings, despite the planning permission granting a single use across the site. Therefore, using the land for a single purpose as the Claimant proposed would inevitably be a material departure from that, requiring fresh planning permission. It was not suggested by the Inspector or the parties that this mixed use had persisted for long enough to be immunised from enforcement or that it was permitted otherwise. Indeed, paragraph 42 of the DL makes it clear that he made no such finding.

33. That approach betrays two material errors, each of which are independently fatal to the decision's primary basis:

33.1 Ground 1(a): The Inspector was wrong in law to think that an unlawful use of

[17] DL/8; *[CB/4/40]*

the site, or indeed of mere ancillary parts of the site, had the effect of extinguishing or abandoning the rights to use the site for student accommodation pursuant to the planning permission; and/or

33.2 Ground 1(b): The Inspector's assessment of that legal question, which was a principal controversial issue at the inquiry, was unreasoned; and/or

33.3 Ground 1(c): In any event, the Inspector was wrong to simply assume that a change from a mixed use to a single use for the site would inevitably require planning permission. He had to interrogate whether the change would be material, having regard to the character of the mixed use and the character of the proposed use, and conduct a holistic analysis, which he appears not to have done. His reasoning is also unlawfully unclear in that regard.

Ground 1(a): Planning permission is not required to revert from an unlawful use to an expressly permitted one

34. The Inspector was wrong in law to determine that, given he had found an unlawful mixed use was occurring at the Site, the Claimant had lost the right to use the Site for its permitted use, that being as a hostel for student accommodation.

35. First, as made clear by the House of Lords in Pioneer Aggregates v Secretary of State for the Environment [1985] AC 132, planning control is a creature of statute, planning permission enures for the benefit of the land and there is no concept of abandonment of planning permission. Only clear terms of statute can prevent a planning permission enuring for the benefit of the land (*[CB/19/463]*). Therefore the starting point is that having found that a planning permission was granted for the use of the Site as a hostel for student accommodation and that no other permission had been granted and implemented that supplanted that use or even that any further use had become lawful on the Site, it was a clear error of law for the Inspector to find that the Claimant could not rely on that hostel for student accommodation permission merely because some other unlawful material change of use had taken place on the Site.

36. There is no support for that proposition and no pertinent authorities were cited for this.

37. That unlawful material change of use could not affect or change the extant nature of the

planning permission. Most obviously because it was not lawful and therefore had no legitimacy. This is a different situation to where permitted rights may have arisen due to immunity from enforcement. In that case such rights may be lost by reason of a material change of use (see for example *Panton v Secretary of State for the Environment* [1998] 78 P&CR 186)[18]. This is not the position here. The Inspector expressly found that a planning permission had been granted.

38. As Lord Scarman explained at pages 143 and 144 of *Pioneer Aggregates*:

> "Three classes of case can be identified. The first is concerned not with planning permission but with existing use [being abandoned by cessation of use].…
>
> "The second class of case has been described as that of the 'new planning unit' … the cases are, without exception, cases where existing use rights were lost by reason of a new development sanctioned by a planning permission. There is no case, so far as I am aware, in which a previous planning permission has been lost by reason of subsequent development save in circumstances giving rise to the third class of case, which I shall discuss in a moment"
>
> "The third class of case … These cases are concerned … with two planning permissions in respect of the same land. It is, of course, trite law that any number of planning permissions can validly co-exist for the development of the same land, even though they may be mutually inconsistent. In this respect planning permission reveals its true nature – a permission that certain rights of ownership may be exercised but not a requirement that they must be.
>
> "But, what happens where there are mutually inconsistent permissions (as there may well be) and one of them is taken up and developed? The answer is not to be found in the legislation."[19]

39. This position was subsequently refined by the Court of Appeal in *Cynon Valley BC v Secretary of State for Wales* [1986] 53 P&CR,[20] in respect of circumstances where a planning permission to change the use of land is succeeded by another such permission

[18] *[CB/20/468]*
[19] *[CB/19/463-464]*
[20] *[CB/21/479]*

for a change of use. The general position is that where this occurs, the permission for Y supplants that for X. The reason is essentially where planning permission is granted for the change from X to Y, what is being approved is the discontinuance of X and its replacement by Y; it is a permission for the change in states between the uses, rather than a permission for use Y generally and in perpetuity.[21] It is not a given, therefore, that the reversion from Y to X remains an acceptable use of the land; fresh permission is required to determine that.

40. The Inspector's error here, which he was encouraged towards by the LPA, was to apply that principle to these very different facts. He was wrong to do that, because the Claimant has not secured a subsequent planning permission for the mixed use and nor had it become lawful in any other way. It is merely unlawful activity that remains capable of regularisation, like any unlawful planning activity liable to enforcement, by returning the land to the state and use for which it has express permission.

41. As explained below, the Inspector's analysis in relation to the law is entirely unreasoned and opaque. However, the LPA's erroneous approach, which it urged on the Inspector and which may have guided him, was as follows: [22]

> "85. … Second, the definition of development in the TCPA 1990 (s55) includes 'making any material change in the use of any buildings or other land'. This does not solely apply to material changes of use away from pre-existing lawful uses, but includes material changes from unlawful uses. As such, if the use applied for in the Appellant's certificate is materially different from that which was the current use of the Site as at the date of the application then it must fail. This second point was flagged during the Inquiry as a point of law and therefore requires further explanation.
>
> …
>
> 87. What s57(4) and *Young* indicate is that once a material change of use has been made from one use to another which is different in character, there is no 'automatic'

[21] See *Cynon* (*CB/21/487*): "where the development for which planning permission is required is a material change of use, the permission is to change from use A to use B, and is not merely a permission to use the property for use B for the indefinite future."
[22] *(CB/11/181-182, 187)*

right to revert to a previous lawful use (as confirmed by HHJ Hickinbottom (as he then was) in *R(oao William Newland) v Secretary of State for Communities and Local Government* [2008] EWHC 3132 (Admin) at para 15(iii)). The reversion itself will be a material change of use unless it falls within one of the exceptions in s57, of which s57(4) is one. In other words, a material change of use away from an unlawful use is still a material change of use and therefore development under s55(1) TCPA 1990 unless it falls within an exception under the statutory scheme. Here the exception in s57(4) cannot apply because no enforcement notice has been served. If it were to be served then the occupier could revert to the use which was immediately preceding the use enforced against but only if that use is lawful.

…

105. As explained above, it is not necessary to establish that the mix of uses set out in the previous paragraph is the lawful use of the site (i.e. persisting for more than ten years). This is because a material change of use away from an unlawful use is still development pursuant to s55(1) TCPA 1990. However, even if that were wrong, and it is necessary to establish that the mix of uses has been in situ for more than ten years (i.e. lawful) for the mixed use to be the one which the Appellant's use is compared to then the appeal cannot succeed."

42. These submissions fall apart on even a cursory reading of the authorities they rely on and betrays a complete misunderstanding between uses sanctioned by way of a planning permission and those that may be lawful through the passage of time or immunity and the relevance of unlawful uses.

43. In *Young* the development had started out as a permitted laundry, had then changed to a permitted food processing facility, had then without permission unlawfully changed to a laundry, and had then become storage for light industrial uses. The enforcement action targeted that latter use. The question was whether section 23(9) of the TCPA 1971 (the predecessor to the current section 57(4)) allowed the landowner to revert back to the laundry. The answer was no, because that section only allows reversion to the immediately preceding use, and only if that use was lawful. The laundry use was not permitted.

44. *Young* is therefore not relevant, not least because it is about the operation of a discrete

statutory provision and not changes of use generally. It is a categorically different case because the landowner's preceding use was unlawful. It establishes what is common sense, which is that a landowner cannot collect a suite of use permissions over time. Each permission for a new use has the effect of extinguishing the previously permitted use, because it is a determination that the new use ought, as a matter of planning judgement, to supplant the old one. In this appeal, however, there was no new permission. The only permission was for use of the land as a hostel for student accommodation, which had not been abrogated by a new permission. It is unclear why the LPA cited this authority to the Inspector, or how it "indicated" their legal submissions were correct.

45. Similarly, *Newland* was a case where the developer had permission for a caravan site, but unlawfully built out a dwellinghouse, which later by passage of time was immunised from enforcement and thereby gained a lawful status, supplanting the caravan use permission (see para 19).[23] Enforcement action was taken because he sought to use the site for its original caravanning use. He was not entitled, by the operation of s57(4), to return to the caravan use, because the Inspector's finding that a new lawful use for a dwellinghouse use had supplanted it was sound, and the s57(4) entitlement only allows for reversion to the immediately preceding use (that being as a dwellinghouse, not the caravan park). The case was therefore disposed of for essentially the same reasons as *Young*.

46. The cited paragraph 15(iii) of *Newland*[24] is expressly focussed on circumstances in which the original lawfulness of the development arose by immunisation from enforcement, which is irrelevant here.

47. It is notable that *Cynon*, like the above authorities, also involved a situation where a landowner had permission for use X (a fish and chip shop), obtained permission for use Y (an antique shop), and then sought to revert to use X. They were prevented from doing so, again because landowners cannot collect land use permissions. It is notable also that in that case, the Court of Appeal found it a "powerful argument" that if landowners could accrue multiple use permissions on the same land, those "dormant" permissions could act as an "unexploded bomb", liable to change the area's amenity at

[23] *(CB/23/502)*
[24] *(CB/23/502)*

any moment. [25] That is true, but has nothing at all to do with the circumstance where the subsequent change of use is unpermitted and therefore unlawful. There is no risk of an unpermitted use having that effect because it can be enforced against. The focus of the Courts in these authorities, therefore, remains on prohibiting the collection of multiple use permissions.

48. Section 57(4) does not support the LPA's case at all. It merely confirms that where an enforcement notice is issued, reverting to the immediately prior lawful use is not development. The statute is silent, however, on the circumstance occurring here, where no enforcement notice has been issued against an unlawful change in use that is not itself permitted. Legislation is enacted against the backdrop of existing common law principles which Parliament is presumed to respect. Rights can be infringed but the rights infringement must be an "obvious" implication of the Act which could not have gone unnoticed by Parliament (*Re C's application for Judicial Review* [2009] UKHL 15: [2009] 1 AC 908 at [25]). [26] Such infringement is far from obvious from the statute's silence.

49. The reality is no authorities were cited to the Inspector at all which expressed the proposition that where an unlawful use occurs on land, the developer loses the right to regularise the planning situation by using the land in the manner authorised by their pre-existing planning permission. No explanation was given as to why the legislature would entitle a developer to revert to their existing planning permission where an enforcement notice was served but would simultaneously forbid the same if the planning authority overlooked their breach or the developer chose voluntarily to cease the unlawful use and remedy the breach. Such an anomaly is unjustifiable and a nonsense.

50. It is, in short, not a credible statement of the law. It would mean that where an enforcement notice is not served, the developer is both using his land unlawfully and has no lawful use to revert to. In other words, the land would simply lack a lawful use, which is not consistent with planning legislation that forms a "comprehensive code imposed in the public interest" and makes clear that planning permissions cannot be

[25] *(CB/21/485)*
[26] *(CB/24/522)*

abandoned and enure for the land.[27] Such a scenario can arise even where the change is minor but results in a technically composite use, as the Inspector found occurred here. It is not plausible that the planning rights of large landholdings and developments could evaporate as a result of minor changes to land use. There is no support for this contention either in case law or statute.

51. Therefore, the Inspector erred in law to find that, for the purposes of assessing whether the proposal was a material change of use, the appropriate baseline was the composite unlawful use he had identified. The proper baseline was the planning permission for a student hostel that he had found was granted and implemented. The planning permission for a single use as a student hostel remained extant and the CLOPUD application was concerned with determining whether the scope of that permission embraced what the Claimant proposed.

52. The primary basis for the Inspector's decision was therefore vitiated by that misdirection in law and the decision should be quashed.

Ground 1 (b): The Inspector's reasoning on the legal question of whether an unlawful use supplants the existing planning permission was unclear

53. The Inspector does not analyse at all the legal question of whether an unlawful use of land supplants an existing permitted use. His decision letter cites no case law, weighs no legal principles, and expresses no clear views on the legal situation. It does not say whose submissions he preferred, or why. His legal findings are left entirely unclear.

54. This legal dispute was a principal controversial issue of the inquiry and of obviously central importance to the matter at hand. As the LPA noted at paragraph 85 of their closing submissions (quoted above, and emphasis supplied):

> "As such, if the use applied for in the Appellant's certificate is materially different from that which was the current use of the Site as at the date of the application then it must fail. This second point was flagged during the Inquiry as a point of law and

[27] See *Pioneer Aggregates* at p.140H *(CB/19/460)*

therefore requires further explanation."[28]

55. The Inspector's failure to address this issue in his reasoning at all is highly unusual and goes beyond a lack of clarity. It is impossible to ascertain how he has come to his legal conclusions or to detect whether he has made a legal error in weighing these principles.

56. The Inspector, however, was clearly aware of the fact that the legal position was at least unclear, and that it was important to the structure of his decision. This would appear to be why, at DL/44, he sets out the secondary and alternative basis for his decision, should he be wrong about the legal position as to the current use of the land.

57. Whilst the setting out of an alternative position is an effective way to rescue his decision should his legal assumptions be wrong, it does not excuse him from his legal duty to explain his legal assumptions and the basis on which he reached them.

58. Ultimately, the Inspector's critical findings on the legal point are entirely unreasoned and unclear, and are vitiated on that basis too.

Ground 1(c): The Inspector was wrong to assume that the change in use identified was material, and/or his reasoning in that regard is unclear.

59. Even if the Inspector was correct in law that the Claimant had no right to revert to the student accommodation hostel use without fresh planning permission (which he plainly was not) and the same was adequately reasoned (which is denied), his analysis that there was a material difference between that use and the mixed use he identified, and therefore necessitating a fresh planning permission for the transition from the latter to the former, is itself unreasoned and unclear.

60. After setting out the various uses he has identified on the balance of probabilities at Mount Clare House and Picasso House (that being some storage use and some office use), the Inspector sets out the core of his reasoning on materiality:

"42. At this time, those spaces ceased to be used for purposes ancillary to the accommodation units. While the overall spaces/numbers of rooms in these other

[28] (CB/11/181) And indeed, that was a response to the Inspector's express request that this legal issue be resolved in the closing submissions, further indicating its principal importance (see p.178 of his Notes, under "Requests for Closings"). (CB/13/381)

> uses are relatively small compared to the available floorspace on the Site as a whole, these are disconnected uses. Thus, even if the uses have not continued for long enough to have become lawful in their own right, I find it more likely than not that this caused a material change of use of the Site to a mixed use including student accommodation, storage, and office uses.
>
> 43. The appellant has no clear proposals for Mount Clare House. Its Grade I listed status makes it unsuitable for modification, and its layout does not lend itself to providing temporary accommodation. Communal facilities, such as catering and laundry, or ancillary support services may well be provided within Picasso House as part of a hostel accommodation offer. However, as per the application for the whole Site, the certificate is requesting confirmation that a single use would be lawful. That would be materially different to the current mixed use ongoing at the site in recent years."[29]

61. Essentially, the Inspector's explanation for finding a material difference between the uses is that he has identified a mixed use in situ, and a single use is proposed, and a single and mixed use are inherently materially different. The reality, in short, is that his analysis goes little further than the final line of DL/43 *[CB/4/45]*.

62. That reasoning is woefully inadequate. The mere fact that one use is mixed and another is singular does not mean they are inevitably materially different. There is no principle of law to that effect, and as a matter of common sense, there will be many circumstances where that is not true. Particularly in circumstances such as these, where the secondary uses occupied "relatively small" portions of the overall planning unit, it is entirely possible that their use for storage and for office space would not have materially changed the definable character of the use of the land. The Inspector has identified a clear change of use; but has forgotten that the task at hand is to identify whether such change is "material".

63. The Inspector had to turn his mind, as he did under his analysis in the second part of his decision, to the question of whether there were material differences between how the land would be used in those two scenarios, and whether those differences amounted to a materially different character of land use. He does not appear to have addressed

[29] (CB/4/45)

that question at all.

64. And even assuming he has addressed the right question, his reasoning is entirely unclear. The analysis goes no further than a bald statement that a mixed use and a single use are inherently materially different. That is not an explanation as to why one use results in a material change to the definable character of the use of land.

65. That unclear reasoning was materially prejudicial. It makes it impossible for an applicant to ascertain how a revised application ought to be made. It is not clear, for example, if the Inspector would have granted the CLOPUD had the Applicant specified that Mount Clare House and Picasso House would remain as storage and office uses. That might be true; but the Inspector's elliptical reasoning makes it possible he would have found that nevertheless there was too great a difference between the proposed uses for the larger portions of the site, even if Mount Clare and Picasso House remained unchanged in use.

66. The elliptical reasoning also makes it impossible to verify if it is free from legal error. It is not obvious, for example, that using a small portion of a largely residential site for storage results in a materially different character to the wider land than if the entire land had been used for residential purposes. It is difficult to see why the storage uses would result in materially different planning impacts. It may be the Inspector had regard to material planning matters, but it is possible, as is argued in Ground 2 below, that he had regard to immaterial matters, having failed to properly understand that not all differences between uses are pertinent to assessing the materiality of a change of use. The reader cannot know, however, because the Inspector has chosen not to explain his reasoning at all.

67. For all the foregoing reasons, the primary basis for the Inspector's decision is marred by legal error.

Ground 2: The Inspector's assessment of whether there was a material change between the identified student hostel use and the proposed use was flawed

68. As noted above, the Inspector's secondary basis for refusing the appeal was that, even if it were true that the existing use on the site was as a student hostel, there would be a material change between that use and the proposal for use as a hostel for temporary

accommodation (DL/44; *CB/4/45*).

69. A finding that there would be a material change was, in principle, open to the Inspector. However, his approach betrays a number of legal errors which vitiate that conclusion:

69.1 Ground 2(a): The Inspector failed to focus on the question of whether there would be a change to the character of the use of the land, and a number of factors he cites have no plausible impact on that, and his reasoning in that regard was in any event unclear; and/or

69.2 Ground 2(b): He compares the proposed use to how he thought the land had in practice been used, when he was obliged to compare it to the existing permitted use and ask whether the proposal would be a material departure from that; and/or

69.3 Ground 2(c): His ultimate conclusions are not a rational consequence of the reasoning that precedes them, and in that respect the decision does not add up.

70. These are considered in turn below. It is noted that each sub-ground, if established, is independently fatal to the Inspector's secondary decision.

Ground 2(a): The Inspector failed to focus on whether there would be a material change to the character of the use of the land, and/or his reasoning in that regard was unclear

71. The Inspector's analysis of the factors he thinks point towards a finding of a material change betrays a confusion on his part as to what the assessment of a material change of use properly involves. His material reasoning on these points is at DL/57-62 [; *CB/4/47-48*].

72. In summary, factors pointing against a material change were essentially:

72.1 Length of stay (DL/45; *CB/4/45*);

72.2 Noise and disturbance effects (DL/46; *CB/4/45*);

72.3 Required rooms layouts and facilities (DL/47; *CB/4/45*);

72.4 General healthcare requirements of previous and proposed occupants (DL/48; *CB/4/46*);

72.5 Car ownership (DL/53; *CB/4/47*);

72.6 Lack of shared endeavour on the part of residents (DL/56; *CB/4/47*).

73. In contrast, factors indicating a material change of use were:

73.1 Existing social commitments (DL/57; *CB/4/47*);

73.2 Use of local community facilities (other than medical) (DL/59; *CB/4/47*);

73.3 Possibility of children who would place new demands on schools, parks and other children's services (DL/61; *CB/4/48*);

73.4 Uncoordinated individual arrivals and departures of temporary accommodation residents (DL/62; *CB/4/48*).

74. His reliance on the differing social commitments of students and the temporarily homeless, and his reliance on the fact that students tend to take up and leave residence together as a cohort whereas the temporarily homeless do not, are irrelevant, and it is unclear how those relate to the character of the use of the land, let alone indicate a material change to that definable character.

75. The Inspector deals with social commitments at DL/57-58 [*CB/4/47*]:

> "57. However, while students are likely to place some reliance on local shopping and leisure facilities, they would also have access to the university-based facilities. The Council has suggested that their social activities are likely to revolve around the university and its facilities. By contrast those who find themselves in the proposed temporary accommodation could have existing social commitments elsewhere and would only use facilities for the general population.
>
> 58. The appellant's witnesses sought to downplay this, partly on the basis that there are a number of local services and facilities closer to the site than the university campus that could be used by students. But, while the University of Roehampton has indicated that its students can, and probably did use these facilities, and were said to be well integrated into the community, there is no substantive evidence as to the extent that they do (or did) when residing at the Site."

76. Reading these remarks with benevolence, their most plausible interpretation is that the Inspector thinks that whilst both students and the residents will use "shopping and leisure facilities" in the community (e.g. pubs, restaurants, shopping, gyms), students have the option to use such facilities that are provided by the University (e.g. a student union bar, a university gym, etc.). As such, the level of 'pressure' that the residents would place on local shopping and leisure facilities would be greater than that exerted by students, indicating a material change to the character of the use of the land. And though the University says that its students were well-integrated, in the sense that they commonly used local facilities, there is no detailed evidence beyond that statement indicating how much they used those facilities.

77. In short, the finding is not that the students and residents will use these facilities in a categorically different way or create more noise and disturbance as they travel to and from these facilities, but that the latter will use them more intensely than the former. This seems to be a response to the LPA's argument that the students' "centre of gravity" will be the university campus, whereas for the residents that will be the town proper.[30]

78. There are a number of clear errors here:

78.1 Firstly, a mere finding that a use will be intensified is not in itself sufficient to justify a finding of a material change. What is required is an explanation of how that intensification results, or contributes to, a material change in the definable character of the use of the land.

78.2 Secondly, there is an obvious air of unreality about the suggestion that increased 'pressure' on shopping and leisure facilities in town can be described as a factor materially changing the character of land use in planning terms. It is true that pressure on local services like GPs are a relevant consideration, which matters because it could increase pressure on the public purse and place strain on essential services which must be compensated for but note that in this respect he found the proposed use would not lend itself to a material change of use. But the mere fact that one kind of resident may spend more time in one part of town, and another kind may spend more time in a different part of town, simply has no bearing on planning considerations. It does not matter and it is not explained

[30] LPA CS, p.38§f (CB/11/195)

why it matters in planning terms.

78.3 Thirdly, even if the intensification of use of town leisure facilities was relevant, the Inspector has not weighed the fact that the facilities proposed include common amenity and leisure facilities on-site, which would decrease the need to use local facilities in town.[31] In a similar vein he has not considered that many of the homeless residents will already be locals who already use the shopping and leisure facilities, so would not be increasing pressure;[32]

78.4 Fourthly, the Inspector notes the lack of "substantive evidence" about the differing levels of pressure on shopping and leisure facilities. Insofar as that is a reference to a lack of 'hard data', that is inevitable because, unlike pressure on GP waiting lists, it is not clear how one can measure or speculate about the increased pressure on shopping and leisure facilities. Ultimately, there is no real evidence for his conclusion that the intensification will be of a level that changes the character of land use, and he cannot and does not even say to what degree that pressure will increase;

78.5 Finally and relatedly, the Inspector was wrong to say there was no substantive evidence about student integration while, in the same breath, noting the University of Roehampton had made clear their students were well integrated into the community. That was substantive evidence and indeed the only real evidence before the Inspector as to student integration in the local community. It is unclear on what basis he has chosen to disagree with that evidence.[33]

79. In a similar vein, at DL/62 (CB/4/48), the Inspector weighs a finding that there is a material difference between students arriving and leaving the campus together as a general cohort over the course of the year, and residents arriving and leaving individually throughout the year. He says:

[31] Summary PoE Mandip Sahota, §3.3 (CB/6/65)
[32] See the responses of Ms Cooley at p.8 of the Inspector's Notes (CB/12/211)
[33] The University addresses this point at §5 of their letter dated 13 March 2025 (CB/9/116). They wrote: "University students and staff living at Mount Clare were integrated in the community and used a combination of campus facilities and community facilities. Community facilities would include medical facilities, dental facilities, leisure and recreation, retail and transport. There would be similarities between this use of the local infrastructure by students and the occupiers the appellant is proposing, as well as with the positive impact that University occupants brought to the local community and economy. The University's resident students frequently use local emergency care services, and Putneymead Group Medical Practice has a branch on campus."

> "62. Furthermore, while the accommodation at the Site may have been occupied for various periods and, to some extent, throughout the year, the nature of student accommodation is that it is most likely to have been occupied by a succession of cohorts for consistent periods of time. Thus, the vast majority would likely arrive and depart together. That is contrasted with the, materially different, uncoordinated individual arrivals and departures of temporary accommodation residents. Miss Cooley's position that tenure or licencing arrangements would not dictate this behaviour does not change this probable behaviour pattern of most people."

80. Again, it is entirely unclear how a less coordinated manner of arrivals and departures, but ultimately resulting in generally the same number of inhabitants onsite, can properly be described as occasioning a materially different character of land use. The Inspector simply does not explain how that is the case. He does not indicate (or suggest) that is because uncoordinated arrivals create different pressures on local services, or because they cause different levels of noise and disturbance, or that it has any other relevant impact. It is not even clear that there is a difference in intensity between the manners of use. This is simply not relevant, and in any event, the reasoning is unclear.

81. And in dealing with increased pressure on local services including "libraries, community centres, employment centres, adult education centres and the like" (DL/59; CB/4/47), the Inspector seems to think that the residents will only add to pressure on those facilities, because students would have used at times university provided facilities instead. But he has neglected the point made by the Claimant's witness at the inquiry that residents, unlike students, would actually contribute to the funding of those services, given they are generally in work and paying taxes.[34] And indeed those in temporary accommodation, unlike students, would also pay council tax towards these services. He has also not addressed the fact, as noted by the Claimant's evidence, that most residents would be from the Borough, which means whatever funding pressures they exert on Borough-funded services in town will be counter-balanced by the funding pressures they alleviate by moving from other parts of the Borough.[35]

82. For those reasons, and in those respects, the Inspector erred in his approach to key

[34] See the responses of Ms Cooley at p.12 of the Inspector's Notes. As she notes, the residents would "contribute [to local services] because [they are] working" (CB/12/215).
[35] See the responses of Ms Cooley at p.8 of the Inspector's Notes (CB/12/211).

factors he identified as pointing towards a material change of use. Given the paucity of factors so identified, an error in relation to any such factor is capable of being material and substantiating Ground 2 as a whole.

Ground 2(b): The Inspector erred in comparing the proposed use to what he understood was the use of the land in practice, rather than the use which was permitted

83. The applicant for a CLOPUD is seeking confirmation that what they intend to do is embraced by the permissions they already have and therefore does not require the obtaining of fresh planning permission. In determining a CLOPUD application relating to a proposed change of use, the question for the decision-maker is essentially whether what is proposed falls within the scope of what is already permitted.

84. Plainly, when an application queries the proposed lawfulness of a particular land use, the question is whether there is a material difference between the use proposed and the use that is currently permitted. The use that is currently permitted has to be the comparator, because the question is whether the proposed use falls within its scope.

85. The Inspector appears to have departed from that approach and relied on the wrong comparator. He has compared the proposed use against how he understood the land to be used in practice by the students of the University of Roehampton and identified a material difference between them. That was the wrong question: he needed to compare the permitted use he identified, being as a student hostel, and consider whether there was a material difference between that and the proposal for use as a hostel for temporary accommodation.

86. The Inspector was encouraged towards this error by the submissions and questioning of the LPA. The LPA repeatedly sought to persuade the Claimant's witnesses to express a view on the materiality of changes between the current use and the proposed use; the witnesses repeatedly noted that the true comparator was the permitted use.[36]

87. This error permeates his reasoning but is most clear in his approach to the possibility of children living in the proposed temporary accommodation. The Inspector deals with

[36] See for example the exchange between Ms Hutton and Ms Cooley at p.24 of the Inspector's Notes (DL/12/227).

children at DL/60-61 (CB/4/48):

> "60. Some of the rooms at the Site are large enough to be shared by two people. However, there is nothing to suggest that through its time providing accommodation for students they were not, in the main, occupied by single people. Although some mature students might have children, there is nothing to suggest that children have previously been accommodated at the Site. In the proposed use, the room sizes would not change and they would continue to be most suitable for single occupancy. Nevertheless, Mr Curtin's suggested room layout could include some two-room units. While I appreciate that such is hypothetical and not indicative of a final proposal, such rooms might be capable of providing accommodation for adults with one or two children.
>
> 61. Miss Cooley confirmed that particular care is required when accommodating children for safeguarding reasons and it was unlikely that they would be placed in a hostel with other adults. However, she also acknowledged that, given the dispersed buildings at the Site, some could be assigned for different categories of people. While it is not currently the appellant's intention, such may change and it seems likely, therefore, that the proposed use could reasonably accommodate some children in the future, should demand dictate. In addition to other community facilities and services, this would place new demands on schools, parks and other children's services."

88. Here, read benevolently, the Inspector is saying that whilst in principle students may have children living with them on campus, the rooms on site were single occupancy and therefore it is unlikely children accompanied students living there. However, the proposed scheme, which could accommodate more than one person, were capable of hosting children. The presence of children on site therefore constituted a material difference in the character of land use between how the Roehampton students occupied the site and how the site was proposed to operate.

89. This answers the wrong question.

90. The Inspector accepts that mature students may live in their student accommodation with children. That is of course correct, and indeed the Claimant's witness made clear, rightly, that in principle a student could have a child, and so student accommodation

could involve the presence of children.[37]

91. It is therefore clear that the Inspector accepted, in principle, that land used as a hostel for students could include the presence of children. The question he ought to have asked in light of that finding was whether using the land as a hostel for temporary accommodation, which may also involve the accommodation of children, would be a materially different use of the land in that respect.

92. The Inspector misled himself and failed to interrogate that question at all. His finding that there was no evidence of children using the site had no relevance to the scope of the existing permission. Had he directed himself properly, he may well have reached a different conclusion on this point.

Ground 2(c): The Inspector's conclusion of a material change of use does not rationally follow from the analysis that precedes it

93. Even assuming that the Inspector was right to weigh matters like the social commitments of residents and was right to compare the proposed use with something other than the existing permission (and he was wrong on both counts, per the above), the Inspector's determination that there would be a material change in use simply does not follow from the few and bare factors he has identified.

94. The principles governing rationality challenges were set out by Lindblom J (as he then was) in at paragraph 95 of *Manydown Co Ltd v Basingstoke and Deane BC* [2012] EWHC 977 (Admin):[38]

> "[The claimant] does not have to demonstrate, as respondents sometimes suggest is the case, a decision so bizarre that its author must be regarded as temporarily unhinged. What the not very apposite term 'irrationality' generally means in this branch of the law is a decision which does not add up – in which, in other words, there is an error of reasoning which robs the decision of logic."

95. The Inspector's analysis starts from having identified two broadly similar categories of land use, that being use as a student hostel, and use as a hostel for temporary

[37] See the responses of Ms Cooley at p.24 of the Inspector's Notes ((DL/12/227)).
[38] (CB/25/578)

accommodation. From the outset, then, on the Inspector's own findings, the two uses are not just both residential, but both a particular genus of residential land uses. Indeed he emphasises that the proposed use, if granted, would exclude all other forms of residential occupation (see DL/9; CB/4/40). The two hostel uses seem bound, therefore, to have substantial commonality.

96. And indeed that is how the Inspector's analysis shakes out. There are six broad points of contention that he finds will be materially the same [see para 72 above]. These include the most important factors relating to the use's impact on the wider locale, like noise and disturbance effects, the impact on local medical facilities, and traffic and car ownership. Indeed that latter factor, as the inquiry documents reflect, was probably the most discussed and debated point at the inquiry relating to the materiality of a change in use.

97. By contrast, what he finds will be different between the uses is clearly much more limited:

97.1 The differing social commitments of the residents, if legally relevant, will have an extremely minor bearing on the character of the land use;

97.2 The same is true for the differences between whether residents arrive as a cohort or as individuals, particularly given many students will arrive and leave as individuals anyway;

97.3 The same is true again of the differing use of local shopping and leisure facilities, and indeed, it is entirely possible that any increased use of these facilities would be welcomed by their operators and the local community. At any rate it is difficult to see how it can have anything other than an insignificant impact on the character of land use; and

97.4 Finally, assuming that the Inspector was right to think there would be a difference in terms of whether children would in principle be on site, it was repeatedly explained by the Claimant's witnesses that such use was very unlikely to come about, given the nature of temporary accommodation. The presence of children, instead of just adults, does not obviously change the character of the use of land.

98. Rationality challenges face a high hurdle, and the decision on materiality is primarily a matter of evaluative judgment for the Inspector. But this is an example of decision-making which simply does not add up. The Inspector cannot reasonably find the two uses are both residential, and indeed even both hostels, find that they will be similar with regards their most significant off-site impacts, yet nevertheless find the definable character of the use of the land would materially change as a result of what are, in principle and in practice, insignificant differences between uses.

99. This was not among the reasonable responses open to him. It is a conclusion he has sketched out after already determining the appeal on the primary basis to reinforce his conclusion in the alternative; it is not a properly justified answer to the appeal.

100. For that reason, even if sub-grounds 2(a) and 2(b) are unsuccessful, the Inspector's secondary basis for his decision is vitiated. It is a conclusion that does not add up.

CONCLUSION

101. All the grounds are plainly arguable and readily meet the threshold for the grant of permission.

102. For the reasons given above, the Court is invited to:

102.1 Quash the decision of the Inspector; and

102.2 Award the Claimant his costs.

SAIRA KABIR SHEIKH KC
Francis Taylor Building
Temple
London, EC4Y 7BY
15 August 2025

8. LETTER FROM SPRING4 DATED 22 JULY 2025

Spring4
Cheapside House
138 Cheapside
London
EC2V 6BJ
T: 020 7600 9922

22nd July 2025

Andrew Gillick
AKA Capability LLP
2 Chester Row
Belgravia
London
SW1W 9JH

Dear Andrew,

RE MOUNT CLARE – ROEHAMPTON – SW15 4EE – STUDENT ACCOMMODATION

The Mount Clare Estate was let to the University of Roehampton — and previously to the University of Surrey — from 2001 onwards. Over the course of these leases, the University's use of the student accommodation at Mount Clare declined significantly, ultimately leading to the effective mothballing of all fifteen student accommodation blocks.

During this period, the University of Roehampton invested in developing new, purpose-built student accommodation within its own campus boundary. It is understood that the University has struggled to fully occupy these new on-campus residences. Given this surplus of on-campus accommodation, it is difficult to envisage any substantial demand from University of Roehampton students for additional accommodation at Mount Clare, which is approximately a fifteen-minute walk from the main campus.

Beyond the University of Roehampton, the nearest universities are Kingston University and St Mary's University in Twickenham. Both institutions have been approached and offered the Mount Clare accommodation on either a lease or nominations agreement. Connor Wilson is the Director of Estates at Kingston University and was contacted on 22nd July 2025. The accommodation team at St Mary's University was contacted on 17th July 2025. Neither university has any requirement for additional student accommodation in the foreseeable future citing both a reducing number of international students coming to study in the UK and the increasing trend for domestic students to live at home and commute to campus. In any event, public transport travel times from Mount Clare to these institutions are approximately one hour, making it an impractical and unattractive option for their students.

Furthermore, I am not aware of any local non-university institutions that require residential student accommodation, nor any for whom Mount Clare would represent a viable or desirable location.

In light of (i) the lack of demand from students at the University of Roehampton, and (ii) the absence of any other local higher education institutions requiring student accommodation, I believe there is no realistic prospect of sufficient demand to support student housing at Mount Clare.

Spring4

The University of Roehampton has no apparent need for additional student accommodation, and it is highly unlikely that any other institution would enter into a lease or a nominations agreement where they were committed to supplying a guaranteed minimum number of student occupants for Mount Clare.

Yours sincerely

Christopher Aquilina MRICS SIOR

Senior Director

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9. LETTER OF REPRESENTATION – UoR DATED 21 AUGUST 2025

University of Roehampton
Roehampton Lane
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London Borough of Wandsworth
Planning Service
Town Hall
Wandsworth High Street
London
SW18 2PU

21 August 2025

Dear Wandsworth Planning Service,

R.E. PLANNING APPLICATION 2025/0074

ADDRESS: MOUNT CLARE CAMPUS, MINSTEAD GARDENS, ROEHAMPTON GATE LONDON SW15 4EE

I am writing on behalf of the University of Roehampton to confirm that the University wishes to support the above planning application.

The University would like to make the following points in support of the application:

1. The application explains that residents will typically be granted licences to occupy for up to a year and that such licences are unlikely to be extended. Under the University's use, student residents are typically granted an accommodation license of between 39 and 51 weeks and the rooms were available during any summer period if vacant. License periods of 51 weeks are granted to many students, and some of our resident students are mature students (aged 21 and over). Although the maximum individual license period available to students is 51 weeks, in practice some resident students will continue living in accommodation through their whole time at University, which could be several years. This could be in the same or a different bedroom through multiple consecutive licenses. The University's student accommodation and associated services operates all year round, and this was the case historically for Mount Clare. The buildings were used for a mixture of long- and short-term accommodation with move in dates throughout the year.

2. The University of Roehampton has an extremely diverse student body, and our on-campus resident population is representative of this:

    a. Around 75% of our students come from Black, Asian or minority ethnic backgrounds.
    b. Around 50% of our students come from overseas, so their sole place of residence in the UK would typically be their student accommodation.
    c. A majority of our students come from low-income or deprived backgrounds (IMD quintiles 1 and 2 and/or eligible for free school meals). Nearly 60% of our UK students are the first in their family to go to university. Thus, a significant number of our students are in employment whilst studying.

d. A very significant proportion of our students engage in part-time work whilst studying. Students on most programmes have timetabled classes (lectures, labs, seminars etc.) on three days of the week and this is designed so that they can engage in paid employment alongside their studies.

3. The University understands that a previous occupant of Mount Clare was Garnett Training College, which is now part of the University of Greenwich. Garnett Training College delivered courses to individuals training to become lecturers at higher and further education institutions. These individuals were over the age of 25 and resided in the Mount Clare accommodation whilst they were studying.[1] Based on how teacher training courses operate, the University considers it likely that the modes of teaching at Garnett College would have differed from that of a traditional undergraduate degree programme, including non-standard term dates and a significant amount of work-based training and placements in further and higher education institutions. Garnett Training College left the site in the early 1990s. The University moved to the property in 2001 and the use of each building has been detailed below.

4. The application confirms that the development would be managed by a single entity with on-site wardens and would operate on a zero-tolerance basis with regards to anti-social behaviour. This would be a similar set of arrangements to the current and historic use by the University, under which regular security patrols are carried out on-site and staff wardens live on-site to provide out of hours support to residents. All student residents are subject to University disciplinary processes which are managed by Student Services. Students who engage in anti-social behaviour are subject to a range of potential sanctions, including ultimately their withdrawal from accommodation.

5. Throughout the University's occupation, the Mount Clare site was operated as a residential facility. All buildings were used in direct support of student accommodation and related functions, with associated administrative functions situated in Mount Clare House. None of the buildings were used for university teaching and research.

6. University students and staff living at Mount Clare were integrated in the community and used a combination of campus facilities and community facilities. Community facilities would include medical facilities, dental facilities, leisure and recreation, retail and transport. There would be similarities between this use of the local infrastructure by students and the occupiers the applicant is proposing, as well as with the positive impact that University occupants brought to the local community and economy. The University's resident students frequently use local emergency care services, and Putneymead Group Medical Practice has a branch on campus.

7. University students make extensive use of Transport for London buses to travel to and from campus to in order undertake their studies, part-time work, placements and internships and for retail and leisure purposes. The transport needs and uses of students and the proposed development are therefore highly similar in nature.

8. Although the University is the current occupant of Mount Clare, we ceased letting this accommodation to students in 2021 because of low demand. Since 2014, we have replaced and re-provided some of our older student accommodation with purpose-built student accommodation on our main campus. This resulted in a significant increase in the number of bedrooms overall. In the 2024-25 academic year, the University experienced a materially higher number of voids than normal, with the void rate currently running at 10% (excluding the Mount Clare bedrooms which are no longer used). In addition, in 2020 we mothballed all 142 student bedrooms in Lee House on our main campus. The University is therefore satisfied that there is low demand in the

[1] Taken from Hinde, T (1996). *Illustrated History of the University of Greenwich.* London: James & James.

local area for the student accommodation at Mount Clare, and that removing this accommodation would not create any shortfall for the University. Over the last number of years, the Mount Clare accommodation has been re-provided on campus.

9. The University understands that, under the Wandsworth Local Plan adopted in 2023, the allocation for the Mount Clare site is mixed-use development with residential uses.

10. The historic uses of the individual buildings on the Mount Clare site are as follows:

15x Accommodation Blocks	Used continuously and exclusively for student accommodation from 2001 until 2021 and then vacant.
Mount Clare House	This building has been underused for large periods of our tenure. We have used the building as office space (e.g. estates and campus services, IT services, health and safety) in support of our student accommodation. In more recent times (since 2021) the buildings have been unused and been used ad hoc, for example as a location for filming.
Picasso Upper Floor	Used for staff and student accommodation units, operated in the same way as the rest of the campus, on licences. This space largely became vacant in 2021 and has been used in part as staff accommodation since, let to these University staff on license agreements, in the same way that students would rent the accommodation.
Picasso Ground Floor	Between 2001 to 2021 this was used as ancillary facilities to the student accommodation. These uses were laundry, storage for the Mount Clare campus, TV room and other ancillary uses to Mount Clare on site residential uses. Since 2019 Citizens Advice Wandsworth have used a portion of the space, the remainder of the space has been vacant or used for short term storage of items and rubbish associated which would otherwise have been accommodated across the various buildings of accommodation at Mount Clare.
Picasso Basement	This is a small area and houses plant and site maintenance associated with the Mount Clare campus only.
Temple	Not used by the University during its occupation.

Wardens' bungalow and garages	Not used by the University during its occupation. This building is in poor condition.

This letter has included points that demonstrate the similarities between the proposed use of the buildings and the University's use for the last 20 years.

Yours Sincerely

Dr George Turner
Chief Operating Officer
University of Roehampton