

## Sue Botley

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**From:** Siri Thafvelin  
**Sent:** 12 December 2025 17:03  
**To:** Legg, John; Janet Ferguson  
**Cc:** Skinner, Helen; DTS Planning Appeals; Mandip Sahota; Julie Papouskova; Pedro Rizo  
**Subject:** 3371729 - Mount Clare Campus, Minstead Gardens, Roehampton Gate  
**Attachments:** RE: 3371729 - Mount Clare Campus, Minstead Gardens, Roehampton Gate

Official

Dear Mr Legg,

Further to the Inspectors email yesterday (attached), the Inspector has asked the parties to:

- a. Set out what the baseline use position is; and
- b. Comment upon the need for evidence to address the baseline use.

### **The Council's position on the baseline**

The Council considers that there is no baseline use at the site this is either because (a) no lawful use has been demonstrated by the Appellant or because (b) even if there is a lawful use (which the Appellant now claims to be a mixed use comprising student accommodation, office and storage uses through its submissions dated 8 December 2025) there is no real prospects of it occurring.

The Council has clearly and consistently stated that it does not consider that the Appellant has demonstrated that the Appeal Site benefits from any lawful use (see statement of case paragraph 5.1 and submissions of 10 December 2025). Those are not repeated here.

The Council would simply highlight that up until very recently the Appellant's position was that storage and office uses at the appeal site were not lawful (see Appellant's statement of case (4.6 and 4.30)). Further, the Council has checked the Inspector's notes of the CLUED Inquiry and can confirm that the Appellant cross-examined the Council's planning witness on the basis that the office and storage uses have not persisted for ten years.

Further, even if the Appellant can make good its new submission that there is a lawful mixed use of student accommodation, office space and storage at the appeal site then this does not mean that should be treated as a baseline for this planning application. Appendix 4 to the Appellant's Statement of Case is a letter from Spring4 dated 22<sup>nd</sup> July which concludes that there is "no realistic prospect of sufficient demand to support student housing at Mount Clare".

On that basis there appears to be no real prospect of the site continuing in the mixed use which the Appellant claims to be lawful.

On that basis the Council considers that the appropriate baseline should be that there is no lawful use at the appeal site.

The Council notes the indication of the Inspector that this has implications for the appeal.

The Council considers that the lack of a baseline, adds additional weight to the Council's position that the appeal proposal represents a missed opportunity to deliver a scheme which complies with the allocation policies for this site (PM7 and RO2). The site sits within a regeneration area where the relevant policies seek to identify development opportunities for positive development including the celebration of existing assets.

The Council's statement of case and officer's report raise concerns with regards to the fact that this appeal proposal has failed to take positive opportunities in line with the relevant policies to conserve and enhance existing heritage assets and their settings and has raised particular concerns with regards to the proposals for the lodge and the failure to realise opportunities to reinstate the pond.

Those concerns are particularly weighty in circumstances where there is no baseline which would allow for the use of the buildings on site (including the lodge) and ultimately any use of the site will require planning permission.

Second, the Appellant's heritage assessment which was received on 2 December relies upon the proposed use being 'similar in terms of density and patterns of use to the longstanding student housing' (5.32) and being 'consistent with the longstanding character of the site' (5.33). The Council's heritage expert is considering that heritage assessment. However, it is clear that the absence of a baseline has implications for the impact of the proposal upon heritage assets.

### **The need for evidence and how that evidence should be dealt with**

As the Council has repeatedly noted, the Appellant's newly claimed baseline is a reversal of the position which it set out in its statement of case and it has only very recently been confirmed to be part of the appellant's case.

The parties have liaised and the Council understands that the Appellant intends to call evidence, including a witness from the University of Roehampton to support its position on the lawful use of the Site. The Council understands that this evidence will only be forthcoming on 23 December 2025.

This obviously has the potential to severely prejudice the Council. The evidence which is available to the Council as to the use of the site is that which is already available to the Appellant. However, it appears that the Appellant intends to call factual evidence which the Council has not seen and has not even been trailed in its statement of case.

The Council officer whom the Appellant expects to address the lawful use of the site is on leave from 17 December until 29 December. This leaves very little time to review the evidence and to address it by way of any rebuttal if necessary.

As the Council has not yet seen the evidence which the Appellant seeks to submit it would be premature for the Council to state: (a) whether it will be necessary for there to be a response in writing or (b) whether it has time to provide any response if one is necessary. The Council therefore reserves its position on this issue. The Council also reserves its position as to whether any costs application will be made against the Appellant for its behaviour on this issue.

At present the Council is unable to reach a final view on how the evidence on lawful use should be tested. This is because the Council hasn't yet seen the Appellant's evidence. If it assists the Inspector the Council would be prepared to give a view once it has considered the evidence of the Appellant. Further, the Council would note that if it is correct that there is no real prospect of the Appellant's baseline coming into fruition based upon the Appellant's own evidence for the appeal then the lawful use of the site may be moot in any event.

The Council will seek to address each baseline position as part of its heritage and planning proofs as requested by the Inspector.

Kind regards,

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

