



LONDON BOROUGH OF WANDSWORTH

SUMMARY PROOF OF EVIDENCE
prepared by
Ms Siri Thafvelin
on behalf of London Borough of Wandsworth

Site: Mount Clare Campus, Minstead Gardens, Roehampton Gate, SW15
4EE

Planning Inspectorate reference: APP/H5960/W/25/3371729

LPA Reference: 2025/0074

1. INTRODUCTION

- 1.1. I am Siri Thafvelin, a principal planning officer in the Strategic Development team within the local planning authority at the London Borough of Wandsworth. I have over ten years' town planning experience within the public sector, having processed and determined a range of planning applications including a number of high profile, major redevelopment schemes for residential, commercial, industrial and mixed use developments, and lawful development certificate applications.
- 1.2. I am familiar with and visited the appeal site on several occasions, having prepared a proof of evidence for and given evidence as the Council's planning witness at the inquiry for the recent certificate of lawfulness appeal relating to the appeal site (***the CLD Appeal***).
- 1.3. This is a summary of the proof of evidence that I have prepared on behalf of the Council relating to this planning appeal, which addresses the lawful use of the site, the current use of the site, and the Council's position on the baseline use.

2. CERTIFICATE OF LAWFULNESS INQUIRY

- 2.1. The Inspector as part of the CLD Appeal considered the likely terms of any historic permission and thereafter the use by the University of Roehampton (***UoR***).
- 2.2. The Inspector found "it more likely than not that the development of the site was permitted for a student hostel rather than an unqualified one". The Inspector agreed with the Council that the original planning permission for the site would have included a student hostel use and not a more general hostel use.

- 2.3. The Inspector considered whether the use of the site by UoR was as a student hostel or whether there had been a material change of use during its tenure of the site.
- 2.4. The Inspector acknowledged that, aside from the student blocks, there was little clarity over how UoR had used the rest of the site over the course of its occupation.
- 2.5. The Inspector went on to find that it was 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.” He then set out: “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.”
- 2.6. The Inspector concluded that during the tenure by UoR there was a material change of use away from student accommodation with ancillary uses to a mixed use comprising student accommodation, office use and storage.
- 2.7. The Appellant initially challenged the decision of the Inspector in the High Court. The Court of Appeal held that the challenge was unarguable and I understand that the challenge is no longer pursued.

3. POSITIONS OF THE PARTIES AT THIS APPEAL

- 3.1. I agree with the Council’s position on the lawful use of the Site, set out in its Statement of Case:

“the LPA considers, in line with the recent appeal decision of the Planning Inspector that the Claimant has not demonstrated that the lawful use of the Appeal Site is as a ‘hostel’ which would incorporate its proposed use. Indeed, the Appellant has not demonstrated that the Appeal Site benefits from any lawful use.”

- 3.2. If the Appellant wishes to rely upon a particular baseline for their application then it is for the Appellant to demonstrate this.

- 3.3. The Council has confirmed its position that:

“there is no baseline use at the site [and] 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”

- 3.4. In relation to limb (b) above, the Council has set to the Inspector that:

“In order to provide a ‘baseline’ against which the proposed use is to be compared, the use will not only need to be demonstrated to be lawful, there will also need to be a real prospect of that use materialising [...]. It is clear in this case that even if there is a lawful mixed use comprising student accommodation, offices and storage [...] there is no real prospect of this continuing in the future. The Appellant’s own evidence and case is that one part of the mix (the student accommodation) has no real prospect of continuing. In such circumstances the baseline would be a ‘nil use’, whether or not a lawful use persists at the site.”

- 3.5. It is the Appellant’s own evidence that the student accommodation element of a mixed use would not materialise as, they state, there is no real prospect of the Site being brought back into a mixed use which includes student accommodation.

3.6. The Appellant's position on the lawful use of the Site has changed on several occasions. I do not run through their changes of position in detail as part of this summary. Suffice to say, their position has contradicted their position as set out in their Statement of Case for the current appeal, and their position during the CLD Appeal.

3.7. Most recently at the time of writing this summary, the Appellant's position was that:

3.7.1. "The baseline position is set out in our previous submission";

3.7.2. "The current uses on site are a mixed use of student accommodation, storage and office use. The storage and office use are temporary and have only been on site a short time"; and

3.7.3. "The lawful use is student accommodation and facilities ancillary to that use".

3.8. I believe that the Appellant's "previous submission" is the "Appellant's Response to LPA Submissions" document, which sets out that, "*The Appellant's position is that the lawful use of the site, including Mount Clare House is as a mixed use, comprising student accommodation, office and storage uses*".

3.9. It is unclear whether the Appellant is intending to differentiate between the baseline use and the lawful use, and, if so, on what basis. It is further unclear whether the Appellant's position is that the lawful use is:

a) "student accommodation and facilities ancillary to that use"; or

b) "mixed use, comprising student accommodation, office and storage uses".

3.10. It is also unclear from where the Appellant has drawn their new conclusion that the “*lawful use is student accommodation and facilities ancillary to that use*”.

3.11. I note that the Appellant’s most recent position that the lawful use is student accommodation with facilities ancillary to that use is directly contrary to the decision of the CLD Appeal Inspector as addressed above and as was recently upheld by the High Court.

3.12. Overall, and as I explain below, in the absence of a sufficiently evidenced lawful use, I consider that it is completely reasonable that the baseline position for the purposes of the present appeal should be a nil use.

4. APPELLANT’S EVIDENCE OF PERMISSION FOR AND USE OF SITE

4.1. I have considered in my proof the implications of a historic document that was not available at the time of the CLD Appeal and a letter from UoR.

4.2. I do not consider it likely that the historic document is a deemed planning consent for the Alton Estate, nor do I consider that this document evidences the likely absence of conditions upon another, hypothetical, permission.

4.3. It appears to be the case from the available evidence that during the tenure of UoR that the site has not been in continuous use as student accommodation with ancillary uses. On the contrary, there appear to have been periods of mixed use which include separate office and storage uses. Furthermore, there appears to have been a period in which Mount Clare House was used as a film set but the length of this has not been evidenced.

4.4. In the absence of evidence that there has persisted a mixed use on the Site for ten years, I conclude that the Appellant has not demonstrated there to be any lawful use at the Site.

5. **CONCLUSION**

5.1. Having had regard to the Appellant's submissions on proposed lawful uses, and the new evidence before the inquiry, I cannot see that the Appellant has demonstrated a lawful use.

5.2. Even if the Appellant does with further evidence demonstrate the lawful use it now puts forward, it is clear there is no real prospect of this materialising, given the Appellant's own evidence on the prospect of student accommodation occurring in the future.