



LONDON BOROUGH OF WANDSWORTH

Town and Country Planning Act 1990 (as amended)

Planning and Compulsory Purchase Act 2004

**The Town and Country Planning (Inquiries Procedure)
(England) Rules 2000 (as amended)**

PROOF OF EVIDENCE

prepared by

Ms Siri Thafvelin, BA MA AssocRTPI

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

Appendices

Appendix	Document
A	Inspector's Decision in the Certificate of Lawfulness Appeal – 11 July 2025
B	Appendix A to Proof of Evidence – Siri Thafvelin – 22 April 2025
C	Order of David Elvin KC sitting as a Deputy High Court Judge – 28 November 2025
D	Inspector's Note of Certificate of Lawfulness Appeal Inquiry (with pagination added)
E	Proof of Evidence – Siri Thafvelin – 22 April 2025

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1. QUALIFICATIONS AND EXPERIENCE

- 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 (***the Council***).
- 1.2. I hold a BA Cities – Environment, Design and Development and MA Conservation and Regeneration and I am an associate member of the Royal Town Planning Institute (RTPI).
- 1.3. I have over ten years' town planning experience within the public sector, having been initially employed by Spelthorne Borough Council as a planning technician between June 2015 and November 2016 and planning officer between November 2016 and September 2019, as senior planning officer at the London Borough of Wandsworth between September 2019 and February 2024, and I have been in my current role as principal planning officer in the Strategic Development team at the London Borough of Wandsworth since February 2024.
- 1.4. Throughout my professional career I have 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.
- 1.5. I am familiar with the appeal site and the surrounding area, 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 in May and June 2025 (LPA ref. 2024/2089; Planning Inspectorate ref: APP/H5960/X/25/3358768) (***the CLD Appeal***). I have visited the appeal site and surrounding area several times since I joined the Council, including in association with pre-application enquiries for the site ahead of the CLD Appeal, in the course of preparing for the CLD Appeal inquiry, and as part of the site visit during the CLD Appeal inquiry.

- 1.6. The evidence I have prepared is given in accordance with the 'Code of Professional Conduct' guidance produced by the RTPI. I confirm that the opinions expressed are my true professional opinions.

2. INTRODUCTION AND BACKGROUND

- 2.1. This proof of evidence has been prepared on behalf of the Council relating to the planning appeal (LPA Reference: 2025/0074; Planning Inspectorate reference: PP/H5960/W/25/3371729) submitted pursuant to Section 78 of the Town and Country Planning Act 1990 for Mount Clare Campus, Minstead Gardens, Roehampton Gate, London, SW15 4EE (***the Site***).

- 2.2. The Inspector ruled on 11 December 2025 that the proposal's description is:

"use of buildings as hostel accommodation (Sui Generis) with associated landscaping and cycle parking"

- 2.3. I defer to the evidence of Nik Smith as it relates to summarising the details of the Site and the Appellant's proposals.
- 2.4. This proof of evidence will address the lawful use of the Site, the current use of the Site, and the Council's position on the baseline use for the purposes of the present appeal.
- 2.5. My evidence should also be read in conjunction with the proofs of evidence of Nik Smith and Barry Sellers, which consider the use of the Site in the context of planning and heritage impacts.

3. THE CERTIFICATE OF LAWFULNESS INQUIRY

- 3.1. It is necessary at the outset to start with the findings of the Inspector following the CLD Appeal inquiry (Appendix A to this proof of evidence). The appeal

decision followed a six day inquiry at which the Appellant argued that the lawful use of the Appeal Site was as a 'hostel' (see paras. 4 to 9 of Appendix A).

- 3.2. As part of his decision and as relevant to the lawful use of the Site (which was to be considered as a single planning unit), the Inspector considered the likely terms of any historic permission and thereafter the use by the University of Roehampton.
- 3.3. At para. 29 of his decision letter 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". Thus, 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.
- 3.4. The Inspector then went on to consider whether the use of the Site by the University of Roehampton (since 2001) was as a student hostel or whether there had been a material change of use during its tenure of the site.
- 3.5. The Inspector acknowledged that, aside from the student blocks, there was little clarity over how the University of Roehampton's had used the rest of the Site over the course of its occupation (para. 32 of his decision).
- 3.6. The Inspector considered the evidence before him and at paras. 34-37 of his decision he noted:

"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."

3.7. This was consistent with my evidence that the photograph appeared to demonstrate that at at least one point in time Mount Clare House had not been used in a manner which was ancillary to the student accommodation. The photograph of the totem pole being discussed by the Inspector is at Appendix A of my proof of evidence to the CLD Appeal (Appendix B to this proof of evidence).

3.8. With regards to Picasso House, the Inspector recorded:

“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.”

3.9. With regards to the Lodge, the Inspector’s decision records:

“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.”

- 3.10. The Inspector then went on to find at para. 41 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.” And, at para. 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.”

- 3.11. Thus, the Inspector concluded that during the tenure by the University of Roehampton 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.
- 3.12. For completeness, the Inspector went on to consider whether the Appellant’s proposed use was different from a student accommodation use in any event (beginning at para. 44).
- 3.13. The Appellant initially challenged the decision of the Inspector in the High Court. The Court of Appeal held that the challenge was unarguable (see Appendix C, para. 1) and I understand that the challenge is no longer pursued.

4. THE POSITIONS OF THE PARTIES AT THIS APPEAL

The Council's Position

- 4.1. I agree with the Council's position on the lawful use of the Site as set out in its Statement of Case (**CD/D1**). Para. 5.1 of that document states:

"At the outset it is necessary to address the lawful use of the Appeal Site. In short, 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." (emphasis added)

- 4.2. If the Appellant wishes to rely upon a particular baseline for their application then it is for the Appellant to demonstrate this. This is particularly given the fact that their previously claimed lawful use was dismissed by an inspector following a six day inquiry.

- 4.3. The Council on 12 December 2025 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" (emphasis added)

- 4.4. At that time (as set out below), the Appellant had stated in their submissions dated 9 December 2025 that their position was that there was a lawful mixed use at the site. However, as I explain below, this appears to no longer be the Appellant's case.

- 4.5. In relation to limb (b) above, the Council had set out at para. 26 of its submissions to the Inspector of 5 December 2025 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 (see Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314). It is clear in this case that even if there is a lawful mixed use comprising student accommodation, offices and storage (which the Appellant now asserts) 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.” (emphasis added)

- 4.6. As the Council has previously noted, it is the Appellant’s own evidence (see the letter from Spring4 at Appendix 8 to the Appellant’s Statement of Case (**CD/B3**)) 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. The Council has not disputed this and, having had regard to the letter from Spring4, the loss of student accommodation was not cited among its putative reasons for refusal.

The Appellant’s Position

- 4.7. The Appellant’s position on the lawful use of the Site has changed on several occasions.
- 4.8. As part of their appeal Statement of Case dated August 2025 (**CD/B2**), the Appellant stated that they did not accept the decision of the CLD Appeal Inspector, in which he dismissed the Appellant’s appeal against the Council’s

refusal of an application for a certificate of lawfulness which sought to confirm that the use of the Site as temporary accommodation was lawful. At that time and during the CLD Appeal, the Appellant considered that the Site benefitted from some kind of unrestricted hostel or temporary accommodation use.

- 4.9. This was made clear in the Appellant's Statement of Case which at para. 4.6 set out that:

"4.6 The Appellant contests that whilst the Inspector noted other uses on Site, he did not conclude that these were in any way the lawful uses and the recent University of Roehampton letter would point to these uses not being lawful. Furthermore, as outlined in section 2 of this Statement, this appeal decision is subject to challenge on the basis that the Inspector misunderstood the law, unlawful mixed use cannot extinguish extant lawful permission and it was accepted at appeal this property would have been developed under a most likely deemed consent. 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."

And at 4.30:

"Despite the findings of the appeal decision ref 3358768, the Appellant remains of the view that that the Site benefits from an existing broad hostel use. The appeal decision is currently under challenge. The Appellants position remains that the Site has an extant planning permission for use as a student hostel (granted and implemented in the 1960s). That permission remains the lawful use of the land today. Alleged subsequent office or storage activity on parts of the Site was at most unlawful ancillary use and cannot extinguish or displace the hostel permission, this is further supported by the detailed University of Roehampton letter. Therefore, the correct baseline lawful use for a single use as a hostel (student accommodation), not a "mixed use." The

challenge argues that the Inspector wrongly treated unlawful mixed uses as the current lawful position and failed to recognise that planning permission “enures for the benefit of the land” and cannot be abandoned except by lawful superseding permission or passage of time leading to immunity. AKA Capability’s case is that the Site lawfully remains a hostel under the original permission, and that permission was never lost, extinguished, or lawfully supplanted.” (emphases added)

- 4.10. The Council addressed this at para. 4 of Appendix C to its Statement of Case (**CD/D4**), where it said that, at that stage, *“the Appellant has put forward no real positive case on the matter [i.e. the lawful use] as part of its appeal material, other than that it disagrees with the previous inspector. It has not, for example, provided the vast majority of the evidence it relied upon before the CLEUD Appeal [i.e. the CLD Appeal] or indicated that it will rely upon such evidence.”*
- 4.11. I attended the Case Management Conference on 6 November 2025 (**CMC**) and understood from the Appellant’s barrister that the Appellant was at that stage content to pursue the appeal effectively on the basis of a nil lawful use, without prejudice to their then ongoing application for permission to apply for statutory review of the Inspector’s decision in the CLD Appeal.
- 4.12. As noted above, the Appellant’s application for permission to apply for statutory review of the Inspector’s decision in the CLD Appeal was refused on 28 November 2025.
- 4.13. I understand that the Appellant considers that this was not the position they agreed at the CMC. Whatever the Appellant’s position at the CMC, it is now the case that their case is different from that which was set out in the Appellant’s Statement of Case.
- 4.14. The Appellant’s submissions to the Inspector dated 8 December 2025 argue (at para. 9) 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 as described in the letter from the University of Roehampton at Appendix 9 of its Statement of Case. This is the strongest most reliable and most accurate evidence before either party”. (emphasis added)

4.15. I note that in order for there to be a lawful mixed use at the Site that use would have had to have persisted for ten years and there would have had to have been no material change of use since that time.

4.16. The Council had not been provided with any prior indication of this change of position, and this was directly contrary to the Appellant’s Statement of Case which, as well as taking an entirely different position on the lawful use, expressly states at para. 4.6 (see para. 4.9 above) that the University of Roehampton’s letter supports the fact that office and storage activity was unlawful.

4.17. Further, having re-checked the CLD Appeal Inspector’s notes of the CLD Appeal Inquiry, the Appellant’s representative cross-examined me, and their witnesses gave evidence on the basis that the office and storage uses have not persisted for ten years (see Appendix D, with examples at pp. 52, 87, 154, and 168).

4.18. On 12 December 2025, the Appellant ‘s position was again modified.

4.18.1. “The baseline position is set out in our previous submission” (emphasis added);

4.18.2. “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

- 4.18.3. “The lawful use is student accommodation and facilities ancillary to that use”. (emphasis added)
- 4.19. I believe that the Appellant’s “previous submission” is the “Appellant’s Response to LPA Submissions” document dated 8 December 2025 and submitted to PINS on 9 December 2025. At para. 9 of that document, the Appellant sets out (as noted above) 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*”.
- 4.20. 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”.
- 4.21. 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*”, and – if they now consider that the “*storage and office use are temporary and have only been on site a short time*” – whether they have abandoned their position of 9 December 2025 that these uses are part of the lawful use.
- 4.22. 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.
- 4.23. In any event, as with the Appellant’s submissions dated 8 December 2025, the Appellant’s position as communicated on 12 December 2025 on the current and lawful uses of the site contradicts their position as set out in their

Statement of Case for the current appeal, and their position during the CLD Appeal.

- 4.24. 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.

5. THE EVIDENCE OF THE USE OF THE SITE BY THE UNIVERSITY OF ROEHAMPTON

- 5.1. Despite the Appellant's changes of positions as to the lawful use of the Site, I do not understand why the Appellant is seeking to rely upon a historic planning permission as part of the basis for its asserted lawful use. I provided evidence on this point to the CLD Appeal inquiry which included the assessment of the relevant historic evidence. I append my proof of evidence in the CLD appeal here (Appendix E). In the event that the Appellant seeks to rely upon the existence of a historic permission to demonstrate a lawful use then I will rely upon that evidence.

- 5.2. For completeness, I have considered the implications of a historic document that was not available at the time of the CLD Appeal but which the Appellant provided with their Statement of Case for the current appeal, submitted when they were still contending that the lawful use of the site was as a hostel. Appendix 6 of the Appellant's Statement of Case is "ALTON ESTATE DEEMED PERMISSION (REF: 740/575/3) DATED 13 AUGUST 1952" (CD/B3). At para. 2.12 of its Statement of Case (CD/B2), the Appellant characterises the historic document as follows:

"The Appellant contends that the subject property was granted permission under deemed consent without condition. This condition would need to be explicit and there is no evidence at the time this was the practice. Since this refusal at appeal the consent for the Alton Estate has been discovered. This is

attached at Appendix 6 and shows how simple the deemed consent process was and how it is planning condition light. This is further evidence that was not before the previous Inquiry, that there were unlikely to be planning conditions attached to the original planning consent of Mount Clare in c1960.”

- 5.3. I do not consider it likely that this document is the deemed planning consent for the Alton Estate, nor do I consider that this document evidences the likely absence of conditions upon another, hypothetical, permission. The issue here is not simply what conditions would have been attached to a consent but what the consent was actually for. Further, without application documents to clarify the nature of the planning application to which this document relates, it cannot be said that this document is relevant to the Site. The site referenced in the document appears to be another part of the Alton Estate. No reference is made to Mount Clare which, in any case, the historical documents that I reviewed as part of the CLD Appeal indicate was a development carried out separately from the wider Alton Estate development.
- 5.4. Overall, I consider that the Appellant has not demonstrated that the historic permission would be for anything other than a student hostel as was found by the Inspector in the CLD Appeal decision.
- 5.5. My understanding is that the Appellant's case will depend upon the long-term use of the Site by the University of Roehampton to demonstrate a lawful use of the Site. In order to do this it must demonstrate that the Site (which is agreed to be a single planning unit) has been in the same consistent use for ten years.
- 5.6. Although the Site should be considered as a whole, it is convenient to consider the various elements of the Site in turn and to put together the evidence which the Council has available as to its use by the University of Roehampton. In doing so I draw upon previous evidence which I gave to the CLD Appeal inquiry. It is important to note that at the time I wrote my proof of

evidence in the CLD Appeal I had not seen the inside of the relevant buildings.

Student accommodation blocks

- 5.7. It appears on the basis of the evidence that I have reviewed that the student accommodation blocks were in student accommodation use by the University of Roehampton up until 2021 (University of Roehampton Letter 21 August 2025, appendix 9 to Appellant's Statement of Case) (**CD/B3**).

The Lodge

- 5.8. There is no evidence of the Lodge being used by the University of Roehampton and on that basis it does not appear that any lawful use of the Site would include the use of that building.

Mount Clare House

- 5.9. I addressed the use of Mount Clare House in my previous proof of evidence. At para. 3.5 of my proof (Appendix E) I wrote that:

"My understanding is that Mount Clare House was last in use for administrative purposes by the University of Roehampton. A photo dated 2014 from the London Parks and Gardens website (Appendix A), last accessed: 22 April 2025) shows a totem placed to the front of Mount Clare House identifying its occupation by the University of Roehampton Department of Property and Facilities Management. This included the accommodation office, finance department, projects team, domestic services and grounds and waste management team. I have no evidence of when Mount Clare House started and ceased to be used for administrative purposes but note that when I visited the site on 20 November 2023 and 28 January 2025 the building appeared to be vacant."

- 5.10. At the Inquiry a local resident (Mr Mills) gave evidence to the effect that he had visited Mount Clare when it was in use as offices. This was recorded in the Council's closing submissions at paragraph 90(b) for the CLD Appeal, which state that in 2009 the Mount Clare building was in use as offices.
- 5.11. I note that Barry Sellers sets out in his proof he frequently attended meetings on the first floor with Dr. Ghazwa Alwani-Starr, the then Director of Estates and Campus Services between 2010 and 2016, again indicative of an office use (**CD/H3**). It is Mr Sellers understanding that at the time was that this building was in use by the entirety of the University of Roehampton and not simply ancillary to the student accommodation at the appeal site.
- 5.12. I note that the Inspector in the CLD Appeal agreed that the totem sign (Appendix B) appended to my proof demonstrated that Mount Clare House was in a separate office use and that the uses listed there were not ancillary to the student use.
- 5.13. It is unclear to me how long the separate office use continued at the Site but as I set out above, I was cross examined at the CLD Appeal inquiry on the basis that the evidence did not demonstrate that it had continued for ten years. My understanding is that the Appellant is of the view that the office use was unlawful, as they now consider that the lawful use of the Site is as student accommodation with ancillary facilities.
- 5.14. The site visit which was conducted as part of the CLD Appeal demonstrated that Mount Clare House had been most recently used as a filming location for what appeared to be a Greek film or television production. Although there were still elements of the office use which were visible, including power sockets in the floors. It is unclear how long the building was used as a film set.

- 5.15. I note that the latest letter from the University of Roehampton (appendix 9 to the Appellant's statement of case) (**CD/B3**) states in the table at paragraph 10 that Mount Clare House "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."
- 5.16. Overall, it appears to be the case that for a period of time during the use of the Site by the University of Roehampton the use of Mount Clare House was as separate office space (i.e. not serving solely the 15 accommodation blocks and Picasso House but the wider university). It is unclear exactly how long this use persisted. There also appears to have been a film location use but, again, it is unclear how long this use persisted.

Picasso House

- 5.17. I note that the most recent letter from the University of Roehampton states that the upper floor of Picasso House has been:

"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."

- 5.18. The letter states that the ground floor has been used as follows:

"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.”

5.19. This statement is unclear. On the one hand it states that the ground floor has been used as ancillary facilities but, it also acknowledges that since 2019 there has been a separate use of part of the ground floor of Picasso House as a Citizens Advice Bureau. I have not seen any evidence that this is an ancillary use to the student accommodation. In particular, I note that it is subject to a separate lease and is still in use long after any students have been housed at the Site. It does not appear to be for the exclusive use of students and so it is difficult to see how this can be considered to be ancillary.

5.20. I observed the storage use when I visited the Site during the CLD Appeal inquiry. Paragraph 38 of the Inspector’s decision (Appendix A) addressed the storage use as follows:

“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.”

5.21. I note that the storage continues to be in use long after students have vacated the Site. Therefore in my view it remains the case that the ancillary status of the storage use has not been justified.

- 5.22. Overall, I see no reason to dispute the findings of the Inspector at the CLD Appeal that at some point in time Picasso House hosted a separate storage use which was not ancillary to the student accommodation.

Overall conclusion

- 5.23. From the above evidence it appears to be the case that during the tenure of the University of Roehampton 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.
- 5.24. 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.

6. ADDITIONAL COMMENTS ON THE BASELINE

- 6.1. As I have already set out above, it is the Council's position that even if there is a lawful use at the Site there is no real prospect of it materialising in the future. This applies whether or not the Appellant's case is that the lawful use is a mixed use or whether it is a student accommodation use with other uses being ancillary to that use.
- 6.2. Appendix 8 of the Appellant's Statement of Case (**CD/B3**) is a short letter from prepared by Spring4 dated 22 July 2025.
- 6.3. The letter concludes that:

"there is no realistic prospect of sufficient demand to support student housing at Mount Clare.

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.”

- 6.4. As noted at section 4 above, the Council does not dispute this and the loss of student accommodation was not cited among its putative reasons for refusal, having had regard to the letter from Spring4.
- 6.5. Whatever the potential lawful uses at the site they include a substantial student use but, according to Spring4, a student use would not materialise so there is no real prospect of the Site being brought back into a use which includes a student use.

7. CONCLUSION AND FINAL COMMENTS

- 7.1. As I have set out in this proof, 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.
- 7.2. I note that the Appellant has stated that it will be providing further evidence on this issue and I will review that evidence and reserve the right to respond.
- 7.3. Even if the Appellant does 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 at Mount Clare in the future.