

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

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

APPEAL BY AKA CAPABILITY LLP

APPELLANT'S OPENING SUBMISSIONS

1. These are the Appellant's Opening Submissions in support of its appeal against the non-determination by the London Borough of Wandsworth ("the Council") to determine the application for planning permission for the "*use of buildings as hostel accommodation (Sui Generis) with associated landscaping and cycle parking*" at Mount Clare Campus, Roehampton.¹
2. These submissions do not re-state all of the Appellant's case nor do they seek to rehearse the evidence. They provide some context to this appeal, and highlight the main remaining issues between the Appellant and the Council, and set out in summary why in summary why the appeal should be allowed and why the Council's position in resisting this appeal is wholly unreasonable.
3. The appeal application is for a change of use of existing buildings at Mount Clare Campus, situated at the south-western edge of the Alton West Estate. The appeal site comprises a range of differing buildings, and for the purposes of this appeal they are best described in five different groups: Mount Clare House, the Grade 1 listed building, the Temple, the Grade II* listed building, Picasso House a two storey block comprising a mix of living and ancillary spaces and space occupied by the Citizen Advice Bureau, and fifteen student blocks in five clusters of three (described as Blocks A-E). The best plans showing the site in context with the various designated heritage assets is Appendix C to Mr Rose's proof.²

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

² CR PoE, p.55

4. I set out four fairly fundamental points about what the appeal application is actually for, as the Council's officer report and evidence has repeatedly demonstrated a misunderstanding of what is actually proposed:

- a. First, the application is for a change of use, not for operational development. This is something which regrettably some of the Council's witnesses appear to have failed to grasp (at least up until a few days ago when considerable chunks of evidence by its heritage witness were withdrawn). The Council's misapprehension as to what is being sought has resulted in a considerable amount of needless correspondence and unnecessary evidence about the Lodge in particular. In particular, as the Inspector confirmed, there is no application for any operational development in relation to this building. To suggest (as the Council has repeatedly done up until last Thursday) that there would be an impact on the setting of the various listed buildings in the area caused by it being rebuilt was completely wrong, on a number of levels, not least as no rebuilding is required. Whilst it is welcome that this point appears to have been conceded, there is no sign that the Council has reviewed its position as regards the level of heritage harm it considers it would arise. That is unreasonable and will be one of the issues that will have to be explored with Mr Sellers in cross-examination.
- b. Secondly, the application is for temporary accommodation. This is accommodation provided in connection with a local authority's statutory homelessness obligations under Part VII of the Housing Act. It will house homeless people, i.e those who fall within the statutory definition of homeless, and is intended to be provided to households who are waiting for their homeless application to be determined, or those whose application has been accepted but not secure accommodation is available. It is not, as the Council's planning officer appears to think, specialised housing for particularly vulnerable groups. This is highly relevant when it comes to the question of the standard of the accommodation and the suitability of this site: this accommodation would clearly provide modern, good quality accommodation for those in need of temporary accommodation in a location with ready access to local services.
- c. Third, this is not an application for an HMO use. An HMO use has not been sought on the face of the application, and in any event the accommodation is designed and intended to be leased to either this Borough, or any of the other

London boroughs who all face similar shortages of TA, or a registered provider. That means that by definition the accommodation would not constitute HMOs and would not have to comply with HMO licensing requirements and standards. Suggesting that this temporary accommodation would be HMO use is a confected attempt by the Council's planning officer to try to argue that higher and different space standards should apply. They clearly do not. The Appellant has rightly followed the London wide applicable standards for temporary accommodation used by all London homeless units, including this Borough ("Setting the Standards³"). Its evidence (from Mr Curtin) demonstrates that they are clearly met. The Council's case that these standards either do not apply or that the accommodation in some way sub-standard is wholly inconsistent with its approach to other temporary accommodation in the Borough – you will have already seen the evidence in Mr Sahota's proof for example of the Council's recent lease of hotel accommodation in Tooting. These are all matters which will be explored with Mr Worth and Mr Smith in evidence.

- d. Fourth, this proposal is not for market housing. It plainly does not trigger any affordable housing requirements, as is evident on the face of the policies but also expressly confirmed by the GLA itself. A straw that was originally grasped by the Council was a suggestion that this is purpose built shared living accommodation. It is unclear the extent to which this particularly bad point is still being pursued. But in any event the Council's continued insistence that an affordable housing contribution is required, for a hostel for the homeless in short is, frankly, bizarre, and flies in the face of national and development plan policies on affordable housing
5. The suitability of this site for the provision of temporary accommodation in terms of location is also something that the Council cannot reasonably dispute. Mr Lewis' evidence will explain in detail how the site is suitably located in transport terms: the site is within walking distance of various public transport links and local services. Its suitability is something the Council's own property and housing team itself recognised, because the Council itself expressed interest in purchasing the site in 2023 for the same purpose as is now proposed. The Appellant also discussed the possibility of leasing the Site to the

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Council with its Director of Housing services Mr Worth in late 2023/2024. However, despite all of this, the Council's planning officer decided to oppose this application on the grounds of its unsuitability in terms of location.

6. In light of the above, when the Council's case is properly analysed, it is hard to identify any actual harm which it is said the scheme would give rise to: it is common ground that there would be no impact on residential amenity, and does not give rise to any highways or transport concerns. The only actual harm that the Council seems to advance is alleged heritage harm. Given its recent concession that the question of baseline use is entirely moot, its case of heritage harm seems to boil down to an allegation of harm to the setting of the various heritage assets caused by the provision of additional cycle stands and a few pieces of children's play equipment. This is a highly tenuous grasping of a final remaining straw. That wholly fails to take into account the current settings, and the limited contribution they make to understanding the significance of those assets, and the fact that these settings include extensive and varied built form from the sixties and onwards. It also fails to acknowledge this equipment would not be placed close to the existing blocks and not in any sightlines between the stands and the listed buildings. To suggest that any harm would be caused by the introduction of this equipment, or that, if there is some harm, that is not outweighed by the benefits of this scheme, is again wholly unreasonable.
7. What is also unreasonable is the Council's failure to attach the appropriate weight to the benefits of the scheme. The backdrop to this appeal is the acute need for temporary accommodation both in this Borough and across London as a whole, largely due to the national housing crisis and cost of private rented accommodation. Ms Cooley will explain all of this in detail in her evidence and her evidence will show that it cannot be disputed that very substantial weight should be attached to the need for such accommodation and the fact that this proposal would make a significant contribution to it. This Borough in particular has the sixth highest rate nationally of temporary accommodation usage. There are almost 4000 households living in temporary accommodation in Wandsworth, a figure which appears set to increase annually.
8. This Borough has failed to meet that need by provision within the Borough, and has had to place 45% of households to whom it owes a statutory duty to house out of borough. CDA26 sets out the Accommodation Schedule: this scheme would offer a total of 193 units, and 265 bedrooms. It cannot be disputed that it would make a substantial contribution to meeting the need for TA in the Borough.

9. In planning policy terms, Mr Sahota's evidence will set out how the proposal complies with the relevant policies of the development plan, i.e both the Wandsworth Local Plan and the London Plan. The re-use of these buildings, which is common ground are not needed for student accommodation, also fully accords with national policy and its emphasis on reuse rather than demolition. The scheme would be consistent with the allocation for mixed use and residential uses set out in the site allocation policy RO2, and the strategic policy PM7, and meets all other relevant development plan policies.
10. With all that in mind, the Council's multiple reasons for refusal, or rather the few that remain from the original 7 or so, are wholly untenable. The Appellant will demonstrate that this is an excellent scheme, which will provide much needed accommodation for those most in need of it, is one which fully complies with national and local development plan policy, and that its benefits far outweigh any harm (should any be identified).

JAMES NEILL

Landmark Chambers

19 January 2025