

Sue Botley

From: Legg, John <John.Legg@planninginspectorate.gov.uk>
Sent: 11 December 2025 10:46
To: Mandip Sahota; Siri Thafvelin; DTS Planning Appeals; Julie Papouskova; Janet Ferguson; Pedro Rizo
Cc: Skinner, Helen
Subject: 3371729 - Mount Clare Campus, Minstead Gardens, Roehampton Gate

Importance: High

Good morning,

The Inspector has received correspondence and documentation regarding the description of the development, the additional plans for The Bungalow/Lodge, any necessary re-consultation and the baseline use of the site. In order to produce clarity on these matters, the Inspector makes the following comments:

1. Description of the proposal (The Lodge/Bungalow):

Planning Practice Guidance (Paragraph 46 ID 14-046-20140306) indicates that the description of the proposal should be accurate. Following the CMC, the appellant has a Structural Assessment Report (SAR) (Coyle Kennedy Consulting Engineers) and the Council submitted a Verification and Critical Analysis Survey Report (VCAS) Rapleys. Associated commentary from each party's advocates has also been received.

The SAR concludes that there is no reason why the existing structure cannot be retained and it remains in a condition capable of supporting both vertical and lateral loadings. The Council maintains the building will require substantial building operations taking into account s55 of the Town and Country Planning Act (TCPA) 1990. Amongst other matters, the VCAS points out that the SAR does not appear to have undertaken any intrusive investigations to assess the load bearing capacity of the blockwork walls, depth of concrete floor slab and the nature of steel reinforcement, foundations or the implications of any building regulation requirements.

Both parties have opposed views as to whether TCPA, s55(2) applies. However, the appeal relates to a proposal put forward by the appellant and in my judgement, there must be clear evidence to the contrary to justify any change to the proposal's description. The Council has stated that the building requires substantial building operations. Nevertheless, the VCAS is not set out as a structural survey but rather mainly a commentary of the SAR. Despite its purported faults, SAR is the only survey before me and on this basis, it has not been demonstrated that the description is inaccurate. Clearly, if the use of the Lodge/Bungalow necessitated building operations upon the implementation of any planning permission for use, then the appellant would need to consider a resubmission. Additionally, the Council also has enforcement powers, if required, to remedy any breach of planning control. For the sake of clarity, the proposal's description is set out as follows: "use of buildings as hostel accommodation (Sui Generis) with associated landscaping and cycle parking". On this basis, the Inspector does not consider a requirement for additional publicity or re-consultation.

2. Amended/Amplifying Plans

The appellant has confirmed the submitted elevational and layout plans are submitted to provide contextual illustration and they will be considered on that basis.

3. Baseline Use

The Inspector has set out the approach for considering the baseline position. In considering planning and heritage impacts of the proposal, both parties will need to consider the baseline position for

comparison. In a previous email, the Inspector advised that the s192 appeal inspector's decision would be an obvious basis for this and it would be clearly beneficial for agreement on this issue.

Presently, there does not appear to be any agreement with various comments on lawful use, fall back position and nil use. The suggestion for the evidence to be heard separately is noted. However, establishing the lawfulness of the use on site is normally within the remit of a s191 appeal and the Inspector questions whether it is necessary.

The Inspector realises time is of an essence in submission of documentation for the Inquiry. In order to progress matters, the following is suggested. Both main parties:

- a) Individually submit and clearly set out what their baseline use position is.
- b) Comment on the need for evidence to be heard separately through formal submissions of evidence. In this regard, the Inspector would question the need for this. A topic based Statement of Common Ground (SoCG) could set out each party's position, with justification, and detail agreement and disagreement. In both the planning and heritage proofs of evidence, each witness could comment on their baseline use position and what implications it has for impacts in respect of the proposal. They would also comment on the opposing party's baseline position in respect of impacts arising from the proposal. Ultimately, the Inspector would consider both baseline use positions in his decision.

Please could both main parties comment upon this by 12 noon on Friday 12 December 2025. If you have problems with this timescale, please can you respond immediately.

In the spirit of cooperation, I would expect both parties to be discussing and focussing on these two points above.

It would be preferable not to but clearly, evidence can be heard separately on the baseline use position. **In this scenario, the Inspector would have to take views as to whether this would be heard through formal examination or round table discussion.** Given the previous s192 appeal decision, such evidence should be proportionate and succinct covering issues, such as lawful use, fall back position and nil use and with a clearly set out purpose to inform the evidence on planning and heritage impact matters. There should also be an associated topic based SoCG setting out agreement and disagreement submitted before the proofs of evidence. Within the proof's, it would be expected that parties comment on each other's position on baseline use. The Inquiry has 6 days allocated, with the additional day agreed at the CMC, and even with the further evidence on baseline use, this should be adhered to if we undertake to have evidence separately submitted in this manner on this matter. In terms of the order of issues, it would be sensible for this evidence to be heard before the heritage, living accommodation and planning evidence.

Finally, the Inspector would remind parties of the ongoing need to engage with one another in a cooperative manner.

Kind regards

John



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