

**APPEAL BY AKA CPABILITY LTD**  
**MOUNT CLARE CAMPUS, MINSTEAD GARDENS,**  
**ROEHAMPTON GATE, SW15 4EE**  
**PINS REF: APP/H5960/W/3381729**  
**LPA REF 2025/0074**

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**WANDSWORTH LBC'S LIST OF APPEARANCES AND OPENING SUBMISSIONS**

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Mr Barry Sellers MA (UD), BA (HONS ARCH), BA (HONS) TP, DIP UD, MRTPI, IHBC  
**(Heritage)**

Mr Dave Worth, Director of Housing Services **(Temporary Accommodation)**

Mr Nik Smith BA (Hons), MA, MRTPI **(Planning)**

**Introduction**

1. This appeal is brought against the non-determination of an application for Full Planning Permission for the following proposed development at the Mount Clare Campus, Minstead Gardens, Roehampton Gate, London SW15 4EE ('**the Appeal Site**'):

*“Use of buildings as hostel accommodation (Sui Generis) with associated landscaping and cycle parking”* (the “**Appeal Proposal**”).

2. Had the London Borough of Wandsworth (“**the Council**”) determined the application it would have refused it for the reasons set out in its Officer’s Report but in essence because the appeal scheme would conflict with a number of key policies contained in

the Council's development plan and that development plan read as a whole and would not benefit from material considerations sufficient to outweigh this conflict.

3. As Mr Nik Smith has said in written evidence (and will explain in oral evidence in due course) the appeal scheme constitutes the wrong development in the wrong place, no matter the existing lawful use of the Appeal Site (if there is one).

### **Inspector's Main Issues**

4. The Inspector has identified the following main issues, which the Council addresses in brief only in these Opening submissions:
  - (1) Whether the proposal would preserve or enhance the character or appearance of the Alton Conservation Area; preserve a Grade II Alton West Registered Park and Garden; preserve a Grade I listed building known as Clare Mount and Grade II listed building known as The Temple, along with their setting or features of special architectural or historic interest that each possesses;
  - (2) Whether the proposal would result in high quality living accommodation; and
  - (3) Whether the proposal would accord with local and national policies, having regard to whether the capacity of the site has been optimized for housing delivery, dwelling type, needs, mixed and sustainable communities, suitability of the location for the use and heritage assets.

### **Heritage Impact**

5. As to the first of these main issues, the Council relies on the evidence of Mr Barry Sellers. It is clear from that evidence (and indeed clear on any view) that the site is one of particular heritage sensitivity possessing as it does a significant number of important designated heritage assets, i.e. Mount Clare (a Grade I Listed Building and therefore a building of national architectural and historical importance), The Temple (a Grade II\* Listed Building and therefore of national architectural and historical importance ), Alton West Landscaping (a Grade II Registered Park and Garden, designated on 10 June 2020), the Alton Conservation Area (designated in 2001 and

whose significance is described in the Alton Conservation Area Appraisal of 2023). and the Roehampton Archaeological Priority Area.

6. The Council considers that the Appeal Proposal would cause heritage harm. Mr Sellers assesses the level of this harm to be at the lower end of less than substantial, albeit this is based on a best-case scenario, with some aspects of the nature and extent of operational development (such as that relating to bicycle loops) remaining unclear. It may be that this level of harm is greater than assumed by Mr Sellers and it is hoped that the necessary clarification on relevant details can be obtained through the inquiry process.
7. Whatever the actual level, Mr Sellers is clear that the proposal also represents a missed opportunity to achieve enhancement of the heritage interest of the Appeal Site through regeneration.

### **Quality of Accommodation Proposed**

8. Turning to the second of the Inspector's main issues, whether the proposal would result in high quality living accommodation, the Council, through the evidence of Mr Dave Worth, will show that the short answer to this question is no.
9. Mr Worth is an experienced Director of Housing Services who had involvement about three years ago in the interest shown by the Council's Housing team in acquiring the Appeal Site.
10. But that, as Mr Worth will explain, was for a very different scheme to the one now being proposed. It would have been for 80 self-contained units. Or in other words, for a scheme of more than three times fewer units than the Appellant now seeks to develop.
11. The consequence of this extreme example of 'town cramming' is a proposal which is far too dense with units which are far too small to achieve their stated objective, i.e. to

provide temporary accommodation to those entitled to it under the homelessness provisions contained in the Housing Act 1996 and which would pose management problems which have not and perhaps could not properly be addressed.

12. And then there are the locational problems which would arise from such a proposal sited here. Problems, which as Mr Worth will explain, would not arise were the scheme designed more modestly.

13. Whilst the need for temporary accommodation is accepted, it is not appropriate or acceptable to use such need as a means to introduce unsuitable accommodation into the borough's temporary accommodation stock.

14. For these reasons the Council itself does not consider that the proposal would meet the needs of temporary accommodation in the borough.

### **Policy Conformity**

15. The Inspector's third main issue is as Mr Nik Smith puts it, a 'composite one' encompassing the following matters, all to be weighed in the planning balance (as he has done in his written evidence and will explain orally):

- i. Heritage impact.
- ii. Affordable housing requirements.
- iii. Optimisation of the capacity of the site and site allocation policy.
- iv. Quality of the living accommodation.
- v. Suitability of the location for the proposed development.
- vi. Whether the proposal would result in a mixed and sustainable community.
- vii. Need for temporary accommodation.
- viii. Planning balance.

16. Having considered the heritage evidence before this Inquiry, Mr Smith concludes, in relation to the first of these sub-issues, that the Appeal Proposal would conflict with policies PM7, RO2, HC1 and LP3 of the Local Plan and conflict also with the requirements of London Plan Policy D3. Moreover it would cause less than substantial heritage harm not outweighed by public benefit, so paragraph 215 of the NPPF would also be breached.
17. The Council considers that the Appeal Proposal would bring an obligation to contribute to affordable housing provision within the borough. No such contribution has been offered because the Appellant disagrees that any such obligation arises. Mr Smith explains his position on this at section 8 of his Proof of Evidence and will elaborate further in oral evidence.
18. Due to the location of the Appeal Site within the Alton Estate Regeneration Area site, allocation policies PM7 and RO2 apply but, as explained in section 9 of Mr Smith's proof, the proposal "sits at odds with the objectives of the vision for the estate regeneration and the requirements of the site allocation policy."
19. In reliance of the evidence of Mr Worth, Mr Smith has concluded, in relation to the quality of the living accommodation proposed that "I do not think it is possible to reach any other conclusion than that the appeal scheme would be substandard development." Even a cursory look at the plans which Mr Curtin has included in his design evidence makes clear that the proposal falls very far short of the "high quality" development required by policy, especially given the particular needs of those the Appellant intends to accommodate there.
20. The nature of the intended occupants of the proposed accommodation also renders unsuitable the location of the proposed development, with poor travel options and few nearby facilities for those who might live there.
21. The proposal would also fail to provide for or promote a mixed and sustainable community. On the contrary it would cater predominately for single occupation low income and vulnerable individuals and would thereby conflict with those policies

(including RO2 and LP24 of the Local Plan, GG4 of the London Plan and paragraph 96 of the NPPF) which seek to encourage mixed and sustainable communities.

22. Whilst there is a clear need for temporary accommodation, as Mr Smith explains (in section 13 of his proof), the benefits of the provision of such accommodation are ‘significantly eroded’ by the problems of this particular scheme.
23. Given the conflicts the Appeal Proposal would cause with the development plan overall, it is necessary in this appeal to consider whether material considerations might indicate that a decision should be reached other than in accordance with that plan and in favour of a grant of permission.
24. Mr Smith does so and rightly attaches significant weight to the scheme’s provision of much needed temporary accommodation. However the shortcomings of this proposal mean that it cannot properly be considered to represent sustainable development within the meaning of that phrase as used in the NPPF.
25. The appeal should therefore be dismissed and the Inspector will in due course therefore be invited to do so.

**RICHARD WALD KC**

**Counsel for Wandsworth LBC**

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