

## Sue Botley

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**From:** Pedro Rizo  
**Sent:** 17 November 2025 13:08  
**To:** Legg, John; Skinner, Helen; DTS Planning Appeals; Mandip Sahota  
**Cc:** Janet Ferguson; Siri Thafvelin  
**Subject:** Council's comments on Inspector's CMC Note - Appeal Ref. 3371729 (Mount Clare Campus, Minstead Gardens, Roehampton Gate)  
**Attachments:** The Lodge Mt Clare Photo 1.jpg; The Lodge Mt Clare Photo 2.jpg; The Lodge Mt Clare Photo 3.jpg; The Lodge Mt Clare Photo 4 .jpg

Official

Dear Mr Legg,

Following the Inspector's Case Management Conference (CMC) Summary of the 11<sup>th</sup> November, in which the Inspector stated that he would be content for the parties to comment upon the CMC summary, please could we therefore ask that the comments below and attached photographs are passed onto the Inspector?

The Council would like to make the following points:

1. **Nil Lawful Use** – at the CMC, the Appellant made clear that it would not be making submissions as to the lawful use of the appeal site, without prejudice to their ongoing statutory challenge of the Inspector's decision in recent certificate of lawful development appeal (PINS ref. APP/H5960/X/25/3358768). The Appellant's counsel also indicated at the CMC that the Appellant was prepared to proceed from a position that there was nil lawful use at the appeal site. The Council considers that it would assist the parties if this could be confirmed by the Inspector as the baseline position for the purposes of the present appeal. The Council respectfully invites the Inspector to confirm this as the agreed position in writing.
2. **Structural Report and Consultation regarding the Lodge/Bungalow** – paragraphs 6 to 8 of the CMC Summary set out the approach to the Inspector's determination of whether there is operational development in respect of proposed development to the Lodge/Bungalow (Appellant to confirm position by 14/11; SSAR to be submitted by 28/11; Inspector to make ruling on description of development and plans by 2/12).

The Council notes that this does not afford the Council an opportunity to review and make submissions on the SSAR, nor to submit evidence as to the condition of the Lodge/Bungalow, and requests that this be included in the Inspector's directions.

The Council attaches to this email photographs taken of the Lodge/Bungalow by the Council on 27 May 2025, during the site visit for the lawful development appeal, which show its derelict state. Following the CMC, the Council presented these photos to its Building Control team, who have said that the building is in a dangerous state and needs to be fenced off. The Council can provide formal comments from Building Control if this would assist the Inspector.

The Council does not see that there is any way in which the Appellant's proposed works to the Lodge/Bungalow could not amount to operational development under S55 Town and Country Planning Act 1990 ('TCPA 1990') and does not see therefore that there is any way in which the proposed works would not require planning permission under S57 TCPA 1990. In particular, the Council notes that "building operations" include demolition of buildings, rebuilding, structural alterations and additions to buildings and other operations normally undertaken by a person

carrying on business as a builder. Whatever the conclusions of any structural survey, it is clear that the Lodge/Bungalow will require substantial operational development to bring it back into use.

If the Appellant wishes to argue that its proposals are not operational development, then the Council would request that it is given the opportunity to respond to any points made by the Appellants in relation to this.

The Council notes that the Appellant has been given until 28 November to provide any structural survey and confirm its position in relation to the plans. The Council would ask for 7 days (until 5 December) to respond to the Appellant's submissions/evidence.

The Council would also like to clarify (noting that Inspector's comments at paragraph 7 of the CMC Summary), as it set out at the CMC, that it considers that re-consultation regarding the late-submitted plans for the Lodge/Bungalow is required in any event (i.e. whether the Inspector finds that there is operational development or not). Works to the Lodge/Bungalow are a consequence of the Appellant's planning application/appeal. The works are situated within a Registered Park and Garden and immediately proximate to the Temple. On that basis, the Council considers that it is necessary for interested parties to be given the opportunity to comment on this aspect of the proposal.

3. **Likely main issues** – the Council notes that at paragraph 16 (we note that there are two paragraphs labelled 16, and we refer to the first, under the heading, "Likely Main issues") the Inspector states that he intends to keep the likely main issues under review. Following discussion at the CMC, the Council understands that likely main issue (d) is intended to be the "planning balance". The Council is concerned that as currently drafted the issue seems to relate all other factors to whether the capacity of the site is optimised. The Council therefore suggests that it might be clearer to phrase the main issue as, "Whether planning permission should be granted having regard to: local and national policies, whether the capacity of the site has been optimised for housing delivery, dwelling type, needs, mixed and sustainable communities, suitability of location for the use and heritage assets."
4. **Witnesses** – at paragraph 16 (we note that there are two paragraphs labelled 16, and we refer to the second, under the heading, "How the Main Issues will be dealt with"), the CMC Summary sets out the topics to be covered by the parties' witnesses. The Council would like to reiterate its intention for its housing and planning witnesses to cover aspects of main issues b), c) and d), and that both witnesses will therefore contribute to the round-table regarding living qualities of the accommodation and the need for this form of accommodation (i.e. rather than the housing witness dealing exclusively with main issue b), and the planning witness dealing exclusively with main issues c) and d)). As stated at the CMC, the Council will make clear in its proofs of evidence how these issues are divided/addressed between the housing and planning witnesses.
5. **Round-table** – noting the topics to be discussed at the round-table (see paragraph 17 of the CMC Summary), the Council queries whether suitability of the location should also be discussed at the round-table. The Council's housing witness (who will be involved with the round-table) will be able to address this point, and the Council considers that this is closely related to the topics identified by the Inspector (living qualities of the accommodation and the need for this form of accommodation).
6. **Need** – at paragraph 17 of the CMC Summary, the Inspector says, "in respect of need, there appears to be little dispute". The Council would just seek to clarify that, while the parties agree that there is a need, as set out a paragraph 7.2 of the Statement of Common Ground, the level and complexion of that need will be addressed by the parties in their evidence.

We hope these comments are helpful in clarifying the Council's position on the points raised above, following the Inspector's CMC summary dated 11<sup>th</sup> November.

Regards

Pedro Rizo  
Principal Planning Officer | Strategic Development Team  
London Borough of Wandsworth  
[planning@wandsworth.gov.uk](mailto:planning@wandsworth.gov.uk)  
[www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

